

**Vanderburgh County  
Board of Commissioners  
January 7, 2002**

The Vanderburgh County Commissioners met in session this 7<sup>th</sup> day of January , 2002, at 6:04 p.m. in Room 307 of the Civic Center Complex.

**Call to Order**

Commissioner Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for January 7, 2002.

**Introductions and Pledge of Allegiance**

Commissioner Mosby: With us tonight we have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge was given.)

**Approval of Minutes**

Commissioner Mosby: Motion to approve the minutes of the December 26<sup>th</sup> meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

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

**Nominations for Officers of Board of Commissioners**

Commissioner Mosby: I guess, at this time we will take nominations for President and Vice President for next year.

Commissioner Fanello: For this year.

Commissioner Mosby: Or for this year. Excuse me. I'll make the motion to nominate Catherine Fanello as President of the Commissioners for the year 2002.

Commissioner Mourdock: Second.

Commissioner Mosby: I have a motion and a second, any other nominations? Seeing none. All in favor say aye. Aye.

Commissioner Mourdock: Aye.

President Fanello: We need a nomination for Vice President.

Commissioner Mourdock: I'll nominate Dave Mosby.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Am I supposed to second there?

President Fanello: I guess so.

Commissioner Mosby: That was really kind of dumb. No.

President Fanello: Alright. Thank you.

**Permission to Advertise and Approval of Final Copy  
of Resolution of Board of Commissioner Meeting Dates for 2002**

President Fanello: Next item is Auditor, permission to advertise–

Commissioner Mosby: Thank you.

President Fanello: –the Resolution for Board of Commissioner meeting dates.

Suzanne Crouch: We just need you all to clarify whether you want Rezoning at 6:30 or 7:00, and we can go with the appropriate advertising.

Commissioner Mourdock: To offer the historical context, even when we were meeting at 5:30 previously, we did do Rezoning at 7:00. There were occasions when we did finish our Commission meeting early, and we twiddled our thumbs until 7:00, but there were also a few times when we had to delay. So, I don't know that it matters much.

Commissioner Mosby: I'll go with 7:00. That's okay with me.

Commissioner Mourdock: Okay. If that was a motion, I'll second.

Commissioner Mosby: I'll make a motion, yes. Regular meetings at 5:30, Rezoning at 7:00.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Madelyn Grayson: We'll need permission to advertise that.

Commissioner Mosby: Yes, and I make a motion to give the Auditor permission to advertise.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Board Appointments**

President Fanello: Board appointments.

Commissioner Mosby: Yes, I've got several board appointments that I would like to make for next year. Alcoholic Beverage Commission, I would like to reappoint Rick Riney. Burdette Park Advisory Board, I would like to reappoint Charlie Guetling and Rob Kerney. Commissioner, was you gonna?

Commissioner Mourdock: Yes, I know, Catherine, I got your e-mail today. Jerry Schmits has asked not to be reappointed. However, I do have someone in mind, but I tried to call her today, and was not able to do that, so I will delay the Republican appointment for the board for Burdette.

President Fanello: Central Dispatch Board has to be a Commissioner, so.

Commissioner Mosby: I'll stay on it.

President Fanello: Okay.

Commissioner Mosby: Unless somebody else wants it. Convention and Visitors Bureau, I would like to reappoint John, or Joe Vezzoso and Sandie Aaron. Data Processing, reappoint Larry Chapman. EARC Board?

President Fanello: That has to be a Commissioner appointment. You have to have a Commissioner appointment on Data Processing also. I would like to take the Data Processing.

Commissioner Mosby: Okay.

President Fanello: I served on the EARC Board last year, if you would like to serve on it—

Commissioner Mosby: Do you want to continue?

President Fanello: —or Richard?

Commissioner Mourdock: When do they meet, Catherine?

President Fanello: They meet on Wednesdays, is it the third Wednesday, Tammy? At noon. They usually serve lunch also, well, they always serve lunch also.

Commissioner Mourdock: I'll go ahead and do that one. I'll try that one.

President Fanello: Okay.

Commissioner Mosby: I will appoint Commissioner Mourdock to EARC. Electrical Board, I would like to reappoint Bill Ball, Gary Stute and Tom Guth. EMA Advisory, I would like to reappoint John Buckman, David Alexander and Sheriff Ellsworth. Are you staying on EUTS?

President Fanello: I would like to.

Commissioner Mosby: Reappoint Catherine Fanello to EUTS. Home Inspectors Licensing Board, Ron Dauby and Rob Cahill, I would like to reappoint them. License and Disciplinary Board, does this have to be a Commissioner?

President Fanello: Uh-huh. You were on it last year.

Commissioner Mosby: I'll stay on.

President Fanello: Okay.

Commissioner Mosby: Also appointed John Peninger, Brent St. Clair and George Hoffman are reappointed, and appoint John to the License Examining Board. Redevelopment Commission, reappoint Mark Owen, Jerry Richey, Richard Redmond, James Schenk, Jim Schenk, and Steve Folz. The Southwest Indiana Regional Strategy Commission, I would like to appoint Jonathon Weinzapfel, as one of our elected officials, and we will still have to come up with two others there.

President Fanello: We need a Commissioner appointment. I know you expressed interest in serving on that.

Commissioner Mosby: Right.

Commissioner Mourdock: So did I.

Commissioner Mosby: We can go ahead and do that. I'll appoint Commissioner Mourdock as our other, we'll have one more coming forth. Vision 2000, I'll stay on if there is not a problem.

President Fanello: I don't have a problem with that.

Commissioner Mosby: And—

Commissioner Mourdock: It doesn't matter to me on that one, but I think, you might want to check, I think on the Vision Board that is specifically set up for the President of this Commission. I mean, I don't care, but I'm just...you might want to check with them and see.

Commissioner Mosby: I'll ask them then, because they just asked me other day if I was going to stay on it, and I said it didn't matter to me.

Commissioner Mourdock: Okay.

Commissioner Mosby: So, but I will ask them.

President Fanello: Okay, we'll check on it.

Commissioner Mosby: If that has to be stipulated. Veterans Service Officer, reappoint Mark Acker. Southwestern Mental Health—

President Fanello: You were on that before, Richard, and I know we had discussion about, but did we ever decide if you were gonna go back on there, or?

Commissioner Mourdock: No.

President Fanello: It came across in the minutes in September, and I don't think we ever followed up with—

Commissioner Mourdock: Right. We had the question because I had been on it the previous year, and I didn't realize I was on it last year.

President Fanello: Uh-huh.

Commissioner Mourdock: Tell you what, I can do either that one or the EARC Board, but I don't know about—

President Fanello: Probably not both.

Commissioner Mourdock: Yes.

President Fanello: Okay. So, we need a Commissioner for Southwestern Mental Health.

Commissioner Mosby: I'll appoint Catherine Fanello.

President Fanello: And I think you have to tell them if you want one, two or three years, so we'll say one year and Patty has had discussion with John Browning, so she can follow up with that.

Commissioner Mosby: And I will put all them in the form of a motion.

Commissioner Mourdock: With all of them put together, I will second.

President Fanello: So ordered.

<b>Safe House Lease</b>
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President Fanello: Sheriff, Safe House Lease. Is there any discussion?

Commissioner Mosby: I don't have anything.

Commissioner Mourdock: I don't have any discussion. It came back, basically, as we requested of Marco, and I don't know if he's here tonight, but we had raised the issue about rather than paying the CPI index, just considering the improvements we've put in the building and holding the fee at the regular rate, or the past rate. So, it's fine with me. I'll go ahead and move that we approve the two year extension of the Safe House Lease.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>First Reading and Public Hearing of Ordinance Amending Chapter 2.40.040 of the Vanderburgh County Code of Ordinances (Health Department Fees)</b>
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President Fanello: County Attorney, first reading and public hearing of ordinance.

Philip Hayes: This was previously discussed on our request for permission to advertise, and it is a matter of Health Department fees which have been, in some instances, increased also as technical change, so that the Health Department does not have the requirement of continuing to return on individual costs of some of the

items for which fees are charged. This is permitted by statute to be handled by this body, and for the department to change it's fees under Title 16, with the approval of the county or city executive, the Board of each local Health Department may establish and collect fees for the specific services and records which are established by local ordinance and by state law. They are not to exceed the cost of services provided. To be accounted for, transferred to the Health Fund of the taxing jurisdiction. That is what the proposed changes accomplish.

Commissioner Mourdock: I'll move approval on first reading the ordinance amending the Vanderburgh County Code of Ordinances for the Health Department fees as provided to us by the Health Department Board.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Maria Del Rio: Health Department Board</b>
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President Fanello: Dr. Del Rio.

Maria Del Rio: Thank you for allowing me to be here today. I would like to introduce some board members that have not been here before. Dr. Bill Johnson, Dr. John Pulcini is here, Dr. Ray Nicholson and Mr. Bob Stayman are all members of the Vanderburgh County Board of Health, and they are all present today. As you know, on your October 15<sup>th</sup> meeting, Commissioner Mourdock made a motion that you would, you wanted until the first meeting of the new year to give us a summary or an evaluation of a ten year plan for space allocation for the county departments. That motion was passed and approved by all the Commissioners. At the December 13<sup>th</sup> Board of Health meeting, the board requested a step further that we write a letter, which was sent to Commissioner Mosby and copied to the other Commissioners, that we requested and wrote a resolution that reads as follows;

Be it resolved that the Vanderburgh County Board of Health requests the Vanderburgh County Commissioners, in the interest of the citizens of Vanderburgh County, to provide a definitive response to the Board of Health by January 7, 2002, regarding the Board's proposal for relocation of the Health Department.

This I'm reporting at the direction of the Board. So, I'm here to hopefully get an answer from you as to where we are going to go.

President Fanello: And I know Commissioner Mourdock and I talked about a ten year plan, and I know I haven't come any further on it because of the jail issue, and also not having a response from the Council, which we had just sent them a letter a couple of weeks ago about funding for the Old Courthouse. I don't know if you would like to add anything to that, Commissioner.

Commissioner Mourdock: Yeah, I'll add a couple of things. I have met a number of times, as, and this is for your benefit, the other Commissioners are aware of this, met with Steve Utley a number of times, and we've put together a bit of a survey to try to find out throughout this entire building, city and county, who needs additional space and what they need. I do believe though that given, as you just said, Catherine, you know, yes, we are focused on the jail, but I think we need to focus on

the whole jail process as well. People in the courts are very much in need of space. Eric informed me a few moments ago, you know, that we had 352 in jail this morning, and it cries out for courtroom space. I think the Health Department moved forward initially and subsequently, in good faith, trying to find space for themselves. I think they've done that. To be honest with you, the site they picked wasn't necessarily my first choice, but as time goes by and I see the numbers that the jail consistently climbing, it just emphasizes to me that I think we need to do something. I think having the Health Department relocate as they requested and negotiated is the worthwhile thing to do.

Unidentified: We're having a little trouble hearing back here.

Commissioner Mourdock: I'm sorry. I hope you don't want me to repeat all that.

Maria Del Rio: The last two sentences would be just fine.

Commissioner Mourdock: Okay, well, let me go to the last three. My first choice for a new site for the Health Department would not have been the building that you all selected, but I know you moved forward in good faith to do that, and I think it is a reasonable site. The overcrowding in the jail is getting worse and worse. As of this morning we had 352 people there. I'm convinced additional courtroom space would help to alleviate that, and I think moving the Health Department as one entity to some other space could help solve our jail space. You're right, Catherine, I agree they are not separate issues. One does, or one clearly impacts the other. So, I think at this time its, again, worth considering what the Health Department has brought before us.

Commissioner Mosby: I'll repeat, basically, what I've said at the last meeting, and probably my comments were in the newspaper. Until I look at all 12 pieces of the puzzle, I'm not willing to just take one piece and move it out and then come back and try to haphazardly put together a plan that I think would serve this whole county. I want to look at what the County Council sends us back on the Old Courthouse and where they intend to go, and what their intentions are. I want to see what they send us at the end of the month on the jail, on what type of project and who's going to move. Whether it's going to be just the jail, or it's going to be the administration. Then I want to look at all pieces put together. I understand, you know, that you people have been waiting for a year or two, but I also understand the courts have been waiting six or seven years. So, I'm not going to just haphazardly jump out here and make a move today when I know three or four months from now I can make an intelligent decision. That is what I intend to do.

President Fanello: And, I think, as you know, Dr. Del Rio, you assisted me with a tour in the Health Department. There is no question that...you will all have to excuse me, I can't talk very well tonight. No question that you need space. That is not the question at all, but as we all sit here, a lot of people in the building need to be relocated, or reallocated space within the building. I'm still not comfortable with the economics of the proposals. I went through every bit of information that you gave me, and went through and made some notes myself, and I'm still not comfortable that I could make an intelligent decision. I didn't get a clear, clear picture from the proposals that I have. I wasn't comparing apples to apples. And am still not comfortable that I would be satisfied with my decision. So, I'm just going to have to say that I agree with Commissioner Mosby at this time, that we need to look at the big picture of where we are.

Maria Del Rio: I would like to clarify a few points and, perhaps, let some of the other Board members speak. Number one, we've been doing this for nine years now. It's not been two years. This whole process started about nine years ago with the first initial study. It's getting worse. Our space attrition is getting worse. We have done some fix up jobs in some of the areas of the Health Department that are going to entail hundreds of thousands of dollars to correct, because building a new jail, refurbishing this building to allow us to have more space is going to take a lot of time, and I foresee that it is going to be years and years. Meanwhile, where do we go and what do we do, and how do we fix our current situation is something that I would like you all to take into consideration. Number three, we didn't come to ask you to find us a space. By Indiana Code, the Board of Health is supposed to find the facility for the Health Department. We are doing it under the guidance of the Code of Law of the State of Indiana. We came here with the proposal for relocation, after the Board, after nine years, did extensive surveys and extensive evaluations, including the help of the attorney on our Board, who is present here, could answer any questions that you have, and has had a great deal of experience in looking at some of this. He was a member of our committee, of our search committee. My question is, you asked us for three months, we're here, and now you want three more months. Even if you do decide to move the jail, and you recommend that we stay, that may not be the will of the Board. The Board may not recommend that. The other question is, even if we say, fine, let's stay, we still have a parking problem and we still have a problem that is going to take years before we can expand, if we were to stay in this building. What's going to happen to our clients? What's going to happen to the people we serve? How much money are we going to waste, when we have a building? Compared to the other numbers that you are looking, our numbers are peanuts. We have a place, we'll move out, and we'll at least fix one small area. I'm not saying that I want to be fixed and leave everybody stranded, I understand you're commitment, but you have to understand that if you are being fiscally responsible, then you have to be responsible for the incredible amount of burden and cost, financially as well as to the people that we serve right now.

President Fanello: I agree with what you say. I really feel your pain at this point. I've been down there to see what conditions you are working with, but, you know, if you are talking about being fiscally responsible, like I said, I went back over the proposals, and this is just me personally, I don't know what the other two feel about the proposals, but, and I looked through what Ed Hafer had done as far as your recommendations, and when you gave me the three proposals that you, I guess, they were your final three—

Maria Del Rio: The final three.

President Fanello: —proposals. We weren't comparing apples to apples there. It was three different proposals, all over the board. I guess, my concern, if Ed Hafer had told you how much square footage you need, needed, why wouldn't a proposal have been sent out that says we need this much square feet, we need these types of things, please respond in this type of manner? So that they would kind of been uniform proposals.

Maria Del Rio: We did that but ,unfortunately, existing buildings aren't all exactly the same. So what we were offered, and what our final proposals were was what we had to work with. Not all buildings are, not all are going to be exactly 22,522 square feet.

President Fanello: I understand. I understand that.

Maria Del Rio: So, we're going to have to compare. Each person that presents a proposal to us is going to present a different cost and a different involvement, as far as how much they are willing to pay for renovations etcetera. I have no control over the people that have presented the proposals. Perhaps I can let Dr. Pulcini, or even Mr. Stayman, who has more experience in this than me, let you—

President Fanello: That's just, that's just my thought. I had a hard time comparing a 38,000 square foot space to an approximately, two proposals which had 23,000. One of them wasn't even a finished building. So, I, it was kind of hard to compare them.

Maria Del Rio: But that's all we're ever going to have to work with.

President Fanello: Uh-huh.

Maria Del Rio: You are never going to get three exact buildings that are going to be exactly the same, unless somebody builds you a building. Even if we were to compare the Civic Center right now, that would be a completely different proposal, with a completely different price range, because those buildings are all completely different.

President Fanello: I mean, I wrote down 11 things that if I was going to send out a proposal, these are the things that I would, I would put in the proposal.

Maria Del Rio: Well, maybe you have more experience than our committee, but I can tell you that Indiana Code puts the responsibility on the Health Department for a reason.

President Fanello: I understand that.

Maria Del Rio: And we have used attorneys, and we have used architects and we have used knowledgeable people within the Health Department. We've been working within the needs of the Health Department to bring this to you. It may not be better, but I have a hard time understanding how you can come before me and tell me that you know more about this than the people who have been working on this for the past (Inaudible. Talking over each other.)

President Fanello: I'm not saying that I know more than you at all.

Maria Del Rio: Or less.

President Fanello: I was just saying as I, as I went through and reviewed them and reviewed what Ed Hafer, it was hard for me to compare the proposals, apples to apples to make a fiscally responsible decision.

Maria Del Rio: Well, we would have been happy to meet with you—

President Fanello: That's all I'm saying.

Maria Del Rio: —and explain it. In fact, Dr. Pulcini and I met with you—

President Fanello: You did.

Maria Del Rio: —and tried to answer all your questions.

President Fanello: You did. You did.

Maria Del Rio: So, if there had been anymore, we would have been more than happy to answer them.

President Fanello: I don't think you can, because I don't think they can be answered. We are to the point where, to me—

Maria Del Rio: I don't think you are ever going to get anything better than that, even in the future.

President Fanello: —those three proposals.

Maria Del Rio: That's all I'm saying. We've been doing this for nine years. I can tell you that I don't think you are going to get a much different comparison unless you build a building just to specify the needs. In Indianapolis, the Board of Health is not in the Civic Center, it is downtown. It serves the people of Indianapolis in a separate way. In another county, we've looked at this, they've built a whole new building to meet the needs of the Civic Center and the other agencies and the Health Department, but it was specified, it was remodeled, and relocated to meet the needs of everybody. There is several issues here, it's not just the proposals. How long is it going to take? Not only for us to get an answer from you, but for us to know when we are going to move so that we can make a fiscal decision on the changes and the fixing that we have to do in our local Health Department to make it safe for our clients right now. And you are the one's that set the date, we didn't. You are the one's that were up here on October 15<sup>th</sup> and said we would like to have three months to look at this and come back with a plan. I don't think it's fair to blame the jail on this whole issue, because there is other agencies and other organizations in this building. You set the date, not us. We are here to respond to that commitment and that request that you all made to us.

President Fanello: And I understand that, and I've had discussion with Steve Utey also, but nothing has surfaced from Commissioner Mourdock or myself or Commissioner Mosby, who stated that night that he wasn't comfortable with that date.

Maria Del Rio: I have the copies of the minutes, and Commissioner Mosby said that he didn't have a problem with it. I can read them to you. He may not remember, but I have a copy—

President Fanello: That's not—

Commissioner Mosby: The next day in the paper is what I'm going off of, because I told the reporter after that meeting, I said I agreed with it because the motion was made and seconded, but there is no way, shape or form that I thought we would be ready.

Maria Del Rio: I would have appreciated a comment in—

Commissioner Mosby: And it's in the paper.

Maria Del Rio: —during the meeting, instead of in the paper after the meeting. What I have to go by is the legal copy of the minutes, and in the copy of the minutes, Commissioner Fanello, Commissioner Mourdock and Commissioner Mosby both

said I don't have a problem with that. And you all agreed on the date and the commitment.

President Fanello: That would have been our goal, but that goal did not surface. Like I said, I haven't seen anything from either one of us that could be put together for a ten year plan.

Maria Del Rio: You're the one's that set that date.

Commissioner Mourdock: Let me try to bring this back to focus for a minute, because a ten year plan is something we still need to do.

President Fanello: Uh-huh.

Commissioner Mourdock: I don't vary from that one bit, but the primary discussion on, what was it Maria, October 15<sup>th</sup>?

Maria Del Rio: October 15<sup>th</sup>.

Commissioner Mourdock: Whatever the date was. The primary discussion that night was about the Health Department. To me that is what the primary discussion needs to be at this time. I understand, and you know, I'm the guy that always uses the four letter word plan around here. I understand we need a complete and comprehensive plan, but I also understand, and I hear Phil Hayes tell us constantly about the growing number at the jail, and the fact that that's getting to be a more and more troublesome situation. As other things with the Council have developed and slowed down the process on the jail, it seems to me, we need an alternative to help us with that problem, and we need one as quickly as we can. I think what the Health Department's brought forward, is a very solid alternative. I think in some way we are going to end up moving the Health Department anyway, and if their move, which on a dollar for dollar basis is cheaper space, that space would be cheaper than what they have here in the building, then why would we not consider doing that? Because it is going to help get us some courtroom space, and to increase that process of moving people through the jail, which is otherwise going to buy us time with the whole jail process.

Commissioner Mosby: I'll go back to my original comment. As soon as I see something from the Council on where they intend to head with the Courthouse and the jail, and I know how much space is going to be available, and if we are going to move any county offices, or whatever, to the Courthouse, then I'll make a decision. But I'm not going to just jump out and make a decision. I would have loved to had a decision by January, I would have loved to had a decision on the jail back in June or July of last year, but I've not gotten anything from the County Council. You know, it's not just one person can make all these decisions. So, the quicker I get the Council to move to tell me where we're going, and they are saying by January 30<sup>th</sup> they are going to make a decision. You know, they need to send us something on the Old Courthouse. I'll be glad to make a decision, but I'm not going to jump out and make one decision.

Maria Del Rio: I would like to remind you that the Council approved our budget. We have money to move and money to pay the rent. So, on the one hand you have the Council already approving where we are going and you don't want to proceed. On the other hand the Council doesn't want to approve the jail and you don't want to proceed, and I feel like we are sort of in the middle. I think the jail is a whole different issue. It's not just the issue of the jail and the big picture, it's that suppose

you decide, yes, the jail moves, everybody is happy, and we expand here and the Board at best that's okay, it's okay to be here, which I doubt, because the main reason that we wanted to move out of here is because we don't think is the best location. You know the parking issue we have, you allocated for our parking spaces, we don't have them yet. It's very cold out there when those women come in with their babies. It is not the best location for the Health Department. At best, even if we're forced to stay, and I'm using the word forced, because it is not the will of the Board to stay here, how long is it going to take us to remodel or fix it up so that it's even barely adequate. We are one of the largest cities in the state of Indiana, and I think we are an embarrassment to have the Health Department under these conditions. I understand that you've got your issues with the County Council, but I don't think we should be held accountable, or held responsible for all the other issues. We are a very small group. We did our job long before the jail issue came, and the jail issue will be resolved. We did our job and we are still sitting here thinking, we're waiting months for you to make a decision that then may take years before a solution. From the decision to the solution and the final Health Department, it could be years. Meanwhile, who's going to suffer? The people of this county. The same people that vote for you. The same people that we take care of. You need to remember that the only reason I'm here, is because I'm trying to represent the people of this county that need better and deserve better than what we are giving them right now. I don't know whether any of the other Board members would like to say anything.

Commissioner Mourdock: On the parking issue, Maria, I spoke with the Mayor's office today, and they are working with Alberta Matlock to put those spaces together. You should have something by the end of the week.

Maria Del Rio: As soon as they are in place, we will have a little, like we talked about, we will have a little slip to give to the people—

Commissioner Mourdock: Right.

Maria Del Rio: —so they have a receipt anyway.

Madelyn Grayson: Excuse me, may we make a tape change please?

**(Tape Changed)**

Dr. John Pulcini: Dr. John Pulcini, not unfamiliar to this fine commission. This is the fifth occasion that we have been asked to be here and try to explain what we have been appointed to do, and that is to serve the interest of the Board of Health, which serves the interest of this county. We have, I think, presented things methodically, fairly, several of the board members are here. Almost from the moment this started, it seemed like we were in a, and I hate to use the word, a bit of an adversarial situation. I want you to know that we did not come in here with that opinion, but I am telling you that we as board members are receiving questions from the public. Questions that I can't answer, like what's going? Why are you having such difficulty communicating your needs? As far as I know, I don't have a communication problem, and I don't think that the rest of you do. But, I think we need to better look at things in the overall picture. You have a lot to deal with, we understand that. As Dr. Del Rio has mentioned, our request is very simple. It is a very limited, poignant, proper request. We need to move from this facility. We need a more appropriate facility to serve our patients and our public that we serve for other needs, non-medical needs. We have found that site. We are a duly appointed Board, we have

no vested interest. We found what we think is a very reasonable and fair price for that property to rent it. We are not asking you to buy it. It is close by, it serves the county need, and we have been back here now for the fifth time and we still can't quite get the understanding. We know the public is beginning to wonder what is going on here. I think if this is the way a democracy is supposed to work, they have every reason to question. I think that we need to show them that we can look at things logically and make the right decision. To hold 10,000 square feet in this building hostage to the jail is totally absurdity, and that is in essence what you are doing. You are making our needs contingent on the jail needs, with all due respect, the jail has, and we have community needs for the jail, but our health needs are also very important. Even if you decide it tomorrow, to decide on building a jail, I'll bet that it will take two years to get that thing built, minimally. If you are thinking of consolidating and moving other people into that jail unit, you will have other lease problems to be concerned about, Commissioners. Like that substation on North 41, so.

President Fanello: I am just going-

Dr. John Pulcini: So my point is, you need to give a better example of how public servants can work with non-elected public servants and doing it for the community interest. I think you can show that by listening to what we are trying to get across and not confusing it with other things. That's not fair, not fair to the community, not fair to the Board.

President Fanello: You keep saying jail but remember we also are talking about the Old Courthouse and moving government offices to the Old Courthouse, so it is not just the jail, the jail is only a portion of it.

Dr. John Pulcini: I am very, a very pro-Old Courthouse and I think it should be preserved. It is a beautiful, historic building. Functionally, you don't have to be an architect to realize that it is a sink hole as far as trying to revamp it to make it really, you know, a fine facility. You can't expect shifting people back and forth as you remodel that building section by section, I mean, we are not going to be pawns in a chess game. We can't afford to do that. Now, certain non-critical services that don't involve a lot of clientele services, that might work out alright, but the County Board of Health can't factor in on that. It is not reasonable, there is no parking for one thing. So, you know, I can understand that you have other issues. We are trying to simplify.

President Fanello: Did this building, on second and main, address all your parking issues?

Dr. John Pulcini: Quite well.

President Fanello: I was told-

Dr. John Pulcini: Even a drive up window.

President Fanello: -yesterday. One more question. Did you have these proposals back when you went to the Council for funding or the Council? I know there was some.

Dr. John Pulcini: We had the proposals, we had one of our members of the search committee, he is a County Councilman.

President Fanello: Okay, I will go back to that, at that point in time the Councilmembers should have communicated with whoever was on the Commission at that time.

Dr. John Pulcini: Yes, are you saying that we missed some magical window of time?

President Fanello: I am not saying you missed, I am saying that it should have been the responsibility of Councilman Hoy to get with the Commission.

Dr. John Pulcini: Okay, well, here is another thing that is puzzling to me, and I am just a simple John Q. Public. The funds that fund the Board of Health are by tax levy. We are not even spending money out of the General Fund, and yet you are holding those funds hostage again to other issues. We are trying to communicate to the Commissioners. We already have the approval of the Council, and because you have the authority to sign or not sign the lease, where do you think the obstruction might be, if it is not signed? It is not with the Council. I think that I speak sort of plainly. I am a simple man, and I think it is time that we show a good example for the community.

Commissioner Mosby: I would be curious to know if the Council has set funding in place for that space down there if you do move? And that is a question that I have not had answered.

Dr. Maria Del Rio: It is in the budget, and I will speak to that because I was Chairman of the Board. It was my understanding that when we started this process that we were to search and come up with a facility. We presented the exact same thing. We have done nothing beyond what you have to the County Council. We answered all of their questions about space allocation, parking, everything to them. Our budget in July or August was approved including the rent that we needed to pay the rent for the new building, and we have the money that would cost us to move and renovate. If you were to sign this contract today we could get started renovating tomorrow.

Commissioner Mosby: You missed my point, you missed my point. If you move out, the Commissioners are still responsible for that 10,000 somewhat plus square feet that you are leasing down there. So, somebody has got to pay that lease.

Dr. Maria Del Rio: That's right. Mr. Stayman can address that.

Mr. Stayman: I can respond to that, Councilman Mosby. I am the attorney member. My name is Bob Stayman, I am the attorney member on this Board of Health. I was also selected for this three man search committee because of what I think Maria thought was my expertise in these areas. I am a lawyer. I have practiced for 28 years. I have handled real estate acquisitions that are ten times bigger than this, ten times more complicated. So, my first request is, in fact, and I read in the paper then that my decision was made without the proper information and that we might be getting the county a bad deal. I am mildly insulted by that, but I would like to ask Madam Chairman that if you do have problems, would you communicate them with me directly? I mean, you and I apparently can talk about financial issues, and I would like to do that. The second thing is that I want to put my other hat on and tell you that I served on a committee with Stan Levco to look into more space for the court and the court system. I am here to tell you from personal experience it is not just bad, it is intolerable. It is intolerable for a lawyer, and it's intolerable for the

clients that go over there. We have hearings in hallways. We have client interviews in hallways. There is no dignity anymore. There is no privacy. It is terrible and something has to be done. We are the only, if I understand things correctly, the only city or county agency who is willing to leave this campus. We have no reason to be here. On the other hand, the court system has a, believe me, a desperate, desperate need for our 10,000 square feet. I hope that responds to your question, and I hope it is the court system that ends up immediately using that space, if we are allowed to vacate. Thank you.

Commissioner Mosby: And I understand what you are saying by the court system coming in there, but my question was, has the County Council budgeted the money? I mean, they are going to have to budget the money to pay for—

Bob Stayman: I don't know.

Commissioner Mosby: —to pay for the space.

Bob Stayman: Councilman, I don't know.

Commissioner Mosby: That is my contention in this whole thing. If the Health Department moves out and there is 10,000 square feet, and we build another jail, and we move the jail and the Sheriff's administration, there is 30 or 40,000 square feet. As Dr. Pulcini would say, we have an obligation to the Community, and I really do. I have an obligation, somebody has to pay for that. I mean, even though we build a new jail and we buy you a new building, we still pay for all of this space regardless if anybody sits in it. So, when I say, that I need to look at who goes where, it's so that I can adequately use the space that I have here plus know that the deal I went on the outside and got us was a good deal. So, it is not as easy as pulling one piece of the puzzle and saying we will get out because we volunteer to get out. You know, what if I have this whole jail complex over here, and I want to move you into that 30,000 square feet, and I am going to let you park over there where the Sheriff and his Chief Deputy and all the cars park so that you have parking. It could be a reasonable answer at some point in time. How long that'll take? I would have loved for the County Council to give me an answer last June on where we are going, but they want to drag it and drag it and drag it. I have asked for an answer by January 30<sup>th</sup>, so that I can give you an answer. You know, it is not my intent to keep you here forever or run around the block, and I know that you need space. I mean, I can see that. I just have to make a decision that I think is in the best interest of this Commission and every tax payer out there.

Commissioner Mourdock: At what time after January 30<sup>th</sup>, David, do you think we will be able to give these folks an answer?

Commissioner Mosby: I am not hanging my hat on January 30<sup>th</sup> after what I saw last year.

Commissioner Mourdock: Do you wish to establish some sort of target date that we can give these folks an answer?

Commissioner Mosby: I will say as soon as, I guess to, bypass what we went through in October, I would say as soon as we get some type of an answer from the Council on what they want to do with the Courthouse, which we have sent them that letter, and we get some kind of scope on where we are going with the jail and whether the Sheriff's Department is included, the administration, the Command Post,

whatever. You know, as soon as we get some of these answers, I would be glad to come back in 60 to 90 days.

Commissioner Mourdock: Let me play what if for a minute, because I am not sure if I understand the Courthouse comment. If on January 31<sup>st</sup>, what if, the Council said yeah we are looking at to revitalize the Old Courthouse and we'll somehow find \$7.5 million dollars, how does that change the situation?

Commissioner Mosby: Because then you step back and decide what offices you are going to put over there and if you are going to move offices from here or if you are going to create bringing other offices from off the street, leases that we presently have in the public. There could be a variety of things. If we decide to move the Auditor, the Treasurer and all of the Assessors over there and clear out the second floor, there is an abundance of things that could happen. I would take the Commissioners office over there, it wouldn't bother me in the least bit.

Commissioner Mourdock: Sure, that wouldn't bother me either, I am certainly not hesitant to do that. What I see, and Dr. Pulcini mentioned it a moment ago, what I see that is unique about this particular group that is coming before us, they have a lot of space in this building now and they are a unique entity under themselves not dependent upon any other group within this building, within the Civic Center, and also as stated, they are funded through a totally separate levy, it seems to me that gives us some reason to deal with them somewhat uniquely.

Commissioner Mosby: I mean, at one time, Marsha Abell, said the Clerks, that we could move the Election Office and Voters Registration out. At one point, the Surveyor told me that he really doesn't have a problem with moving over to be with the Engineers office at the Courthouse. I mean these are offices that could become available. If we put together a whole plan.

Commissioner Mourdock: So, you said a moment ago, 60 to 90 days. Do you think 90 days is the right time?

Commissioner Mosby: I can't predict the County Council. I mean, if you look at the contract that we originally wrote for the jail, I mean, it said that we would be on a land site date of January and we are no where close. I mean, so I really don't know.

Dr. Maria Del Rio: I just want to go on record as saying that even if you were to recommend that we stay here and remodel you are talking years and years. And during that time, the court system and the people that are served by the Health Department are going to suffer, and I want to go on record that it is not just looking at the big plan it is looking at how we are serving the people today. Not just in the court system are we losing their dignity but women are being interviewed in the Health Department in the hallways right now, and if you are talking about remodeling and moving the jail and giving us more room here you are talking years and years and years when we now have the space, we have the money, and we have even got you a tenant. We have a tenant that wants our space so that, now it is true, it is very selfish, I don't know about the rest of the building, but at least for our little world, we can move out and we have people that want to move in it, and you are going to resolve or make the situation better for some of your constituents right now. It may not solve the big picture, but two years from now is going to be a long time, and I will not be responsible for what may happen if you force us to wait two years to get into adequate space for the Health Department or the court system. Even though I can't really speak for the, but I know the conditions are deplorable also. I think it is not fair

to hold us hostage based on that. We have the money, it has been approved. We have the space, we've done the research and we did our job, and even if you say the County Council should have notified you, it was my understanding that I can't come to you with a potential contract until I have the money in my budget. So, I waited to get my budget approved to present it to you. What good would it do me to bring you a proposed budget if the County Council had denied me the money. I have no money to move then. So, this was my understanding, if it was wrong, then it is my fault because that is the process and procedure that we followed. We did the survey, we did the evaluation, we chose the site, we requested the money, the minute that our budget was approved, we asked to be put on this agenda to come before you and notify you and start the process of the contract. We didn't have a contract then, but we wanted to notify you and start the process. Please let me remind you, we are not asking here for you to find us a space, that is not your job, that is our job. The beauty of this government is that nobody has absolute power. I don't have absolute power over what the Health Department does, and neither do you, and neither does the County Council. I just ask you to please consider to work together for the good of the community. You have the opportunity to help the people served by the Health Department and the people that are served by the Courts. Don't ignore this because it is going to come back to haunt all of us in the future, and I wanted to go on record that it wasn't because of the Board of the Health Department.

Dr. John Pulcini: If I may just add a comment? The, you better start thinking now what you are going to do with the substation because you are paying for a lease there also and that is until 2008, so you have time to figure out how you are going to handle that problem when you build a jail, you have plenty of time.

President Fanello: I don't think we need sarcasm in here. I want to conduct our meetings in a professional manner this year. They weren't always conducted in a professional manner last year, but we are going to do things differently so let's keep it professional.

Dr. John Pulcini: It would be nice if we could conduct some business as well. The point is, no decision is a decision. It is a decision to stall, and that is a very indefensible position at this time, folks. I strongly recommend that you pay attention to the non-political recommendations of our Board. They do represent the needs of the community and they elected you to make proper decisions.

President Fanello: I understand that and I just want to clarify what I said. I said conducted in a professional manner, that was not directed at Commissioner Mosby, that was just in general some of our meetings didn't always go very well. I have one more question about the parking because I know that you said this proposal addressed the parking issue. Ed Hafer had said that this space that you are looking at would provide 61 parking spaces.

Dr. Maria Del Rio: Correct.

President Fanello: Now, how many employees do you have?

Dr. Maria Del Rio: We have close to 70, Sam? 64, but not all of them work within the confines of this building. Some of them are working in outlying areas.

President Fanello: So, how does that have, how does that address your parking space with people that would be coming to the Health Department?

Dr. Maria Del Rio: If you look at the proposal, we plan to rent 25 extra spaces from the city, which would make it a total of a little over 80, which would meet all of our parking needs, and that is in the budget, and that was added to our total budget. We felt that even though they only had 60 some odd parking spaces, the low rental of the extra spaces for employees allowing then our customers to have a parking space nearby where they could come and use our services in a quick and efficient manner was well worth the lease, and we presented that. That was a big issue with the County Council. They wondered and asked about the issue of the parking, and we explained it at length and felt that given all of the other possibilities that was still the best way to go. We now have none because we don't even have your five. So right now and, again, I hate to say it, but it's virus season and I have to say it, we have a baby that came to the emergency room not breathing and put on a breathing machine because she has RSV. It is the virus season right now, and these women are having to park three, four blocks away to carry their babies in to get their vouchers and to get checked for WIC. This is what is going on right now.

Commissioner Mourdock: I will go on record just to try to move the jail process forward and move the court space forward. So, I will move that we direct our County Attorney to review the lease for the proposed space with the Health Department attorney with the purpose of negotiating a lease.

President Fanello: Can you repeat that?

Commissioner Mourdock: My motion is that we direct our County Attorney to meet with the attorney for the County Health Department for the purpose of negotiating a final lease for the property down at Second. Is that right, Second? Second and Main?

President Fanello: Motion dies. I believe that we will come back after January 30 and see what the Council has to tell us.

Unidentified: We can't hear you back here.

President Fanello: I just said come back after January 30<sup>th</sup>. Until I see what happens this month on a lot of issues, I'll make an intelligent decision, I am going to make a big picture decision, like even you have said Commissioner Mourdock before, once one thing changes, it is a domino effect.

Commissioner Mourdock: Absolutely, and I still say that. I just see with the numbers growing in the jail with the long term problem that we have there, that this is an easy way for us to increase some court space. Several times the phrase was used that the Health Department situation is being leveraged against the jail and I would respectfully disagree with that term. I see it more like, I don't know what you call it, that little physics experiment where there are about eight steel balls hanging on a string and you let one come out and it knocks out one and you pick two and it knocks out two, that is what we have here. We have about three that are swinging to get us court room space, we could knock out three at the other end and I think that it would be a very wise use of that space and we could do it very expeditiously, which I think the ICLU would give us points for as far as trying to solve our other big problem.

Commissioner Mosby: I won't give a date at this time, but I will just say in the area of 90 days after we have decisions on the Courthouse and the Jail that I would be glad to come back here and make a decision, but I am not going to put a date on it.

Dr. Maria Del Rio: We can't hear back here.

Commissioner Mosby: I'm sorry, I just said that I would be glad to, I don't know if I want to put it into the form of a motion, but 90 days after we have a decision from the Council, I would be willing to come back in here and make a determination.

Commissioner Mourdock: By definition, are we calling and maybe this is what we need to request of the Council we will consider their action a decision if they send us a letter saying this is how many dollars we foresee you having to spend for various projects. Is that what you are looking for?

Commissioner Mosby: That is exactly what I am looking for. When they give us a scope and a size on the jail, on what they want to do with the Courthouse and we know where we are going with both, I would be glad to come in here and make a decision.

Commissioner Mourdock: 90 after we would receive such a letter from the Council you think would be appropriate to revisit this issue?

Commissioner Mosby: 90? Yeah after their answer. That would give us time to go over all of the space allocation that we have been talking about. I would rather refer to this as space allocation rather than Jail, Courthouse and Health Department.

President Fanello: Would it be appropriate to send a letter kind of summing up tonight's discussion to the Council? Would you be in favor of that?

Commissioner Mourdock: If that letter simply says for the various issues for space and if you want to use that term, for space allocation, we desire to act within 90 days of receipt of a letter from the Council stating their funding levels perceived for the Old Courthouse. If that is what you are saying by letter, Catherine, yeah I would support that.

President Fanello: Would that be something?

Commissioner Mosby: Yeah, I would be glad to send it out?

President Fanello: Should we take that in the form of a motion?

Commissioner Mourdock: I move that we send such a letter to the President of the Council.

Commissioner Mosby: Second.

President Fanello: So ordered. I will have, if Patty could help us with that tomorrow? Is there any discussion? Yes, she is in the back room. Thank you Board members. Department Head reports

**Any Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the Board?

**John Stoll: County Engineer**

President Fanello: Department Head Reports.

John Stoll: First, I have a letter that was prepared by Bernardin, Lochmueller and Associates in regards to Phase III of Lynch Road. This is the portion between the Interchange at I-164 and the county line. They are in the process of redesigning that portion of that road to go around the paving plan in Warrick County, and in doing so they had to do an investigation to find out whether or not there were any historic buildings located within the vicinity of the new project. There are none, and they just need to have the Commissioners signature on this letter so that it can be submitted to the Federal Highway.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Second, I have a change order on the Burkhardt Road, Morgan Avenue intersection project. This is for a net increase of \$3,342.74. This covers numerous under runs and over runs of all of the items through out the entire project and we will be responsible for 20% of the cost of this change order.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I have two counter offers that Bernardin Lochmueller forwarded me on the University Parkway project. One is on the Al-Kamhawi parcel. This is parcel number ten. Mr. Al-Kamhawi was offered \$146,900, and counter offered with \$502,728. He provided no appraisal to justify the increase therefore, we are requesting that the Commissioners vote to reject that counter offer.

Commissioner Mosby: Motion to reject.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's the letter he sent. The second parcel was just a verbal counter offer, this was on parcel number 31 and the property owners name is Ungetheim. He was offered \$14,100, and he provided a verbal counter offer of \$25,000. Here again, there was no documentation to justify his request, so we are asking that the Commissioners reject that counter offer as well.

Commissioner Mourdock: Verbal counter offer?

Commissioner Mosby: Motion to-

Commissioner Mourdock: If it's not in writing, I don't know that it is a counter offer but I will move that we reject.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Okay, I will let Bernardin Lochmueller know and they will proceed to send the property owners notification that these offers were rejected. I would guess that both of them will end up in condemnation and just for your information, in my discussion with Bernardin Lochmueller and e-mails back and forth with Phil, Bernardin Lochmueller was estimating that we would probably need to get most of our condemnations filed by the end of March in order to have the right-of-way cleared by June, which would in turn allow us a fall letting. So those are some rough target dates that we need to hit. That last item that I have is also on the University Parkway project. This is a supplemental agreement for \$28,500 for the design of a sanitary sewer out there on that project. The need from this comes from the four parcels where we would take the septic fields for the properties. In doing so, the parcels are small enough that the septic tanks can not be relocated anywhere else on the property, and that in turn would cause us to take the entire parcel. It is cheaper to construct a sanitary sewer than it is to take the entire parcel. So, with that, Bernardin Lochmueller prepared this supplemental for that design.

Commissioner Mourdock: So, we need to move approval of the supplemental design?

John Stoll: Right. Accepting approval of the supplemental agreement so that they can proceed with the design and then once that design is completed then we will have a sanitary sewer available for those four properties to hook up to and then the appraisals can be redone to say that the impacts are much less because we won't, we will be taking a septic but we will provide a way for them to still get their sanitary wastes taken care of.

Commissioner Mourdock: Okay, I move approval of the supplemental agreement.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: That is all that I've got unless you've got questions on anything.

Commissioner Mourdock: Stick around for one minute. I have one that you and Ralph probably both need to.

John Stoll: I will give that to you, forwarded that one flyer to me about the IDEM funding for the storm water and I have not gotten any specific information on that as of yet. IDEM did recently come back as of last Wednesday with some new regulations that are not posted on the Internet and they have a new comment period so once I have a chance to look those over we may need to send another letter again.

Commissioner Mourdock: Okay, good.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. The first thing that I would like to do is introduce Reginald Haskins. He said that only his mother calls him Reginald. So we call him Reggie. He is the new Assistant Superintendent at the County Highway Department. He is here on demand tonight because I made him come. You have my reports. I have one question about our diesel fuel contract. I did not get copies of the contracts themselves. I just got confirmation of who the contracts were with and what to order, and we started ordering diesel fuel last week. We have no anti-gelling agent in the diesel fuel, and with the cold weather we are having problems with it. When I called Gabe's they said it was not in their contract to winterize their fuel. So, I am trying to get some prices together to find out what it is. When it comes in I will let you know what those prices are. I haven't seen the contract, so I am going to request that you give me permission to get the contracts from Phil and see what actually is in those contracts for diesel. The Schissler Road project, I know that it was brought up to you, you brought it up to Rick Dickinson.

Commissioner Mourdock: Yeah, I brought them up to Rick. There were two of them, there was Sensmeier Road and was it Schill-

Ralph Kissinger: Schissler, I think.

Commissioner Mourdock: Schillinger, I think?

Ralph Kissinger: Schilling, right.

Commissioner Mourdock: Schillinger.

Ralph Kissinger: Schilling, that's it. I went out there and talked to that farmer out there—

Commissioner Mourdock: Kissel? Mr. Kissel?

Ralph Kissinger: Kissel, yes. I don't know if you've seen the problem-

Commissioner Mourdock: I have seen both.

Ralph Kissinger: He's got, he's farming from ditch edge to ditch edge and the ditch banks are really steep. We did replace a culvert there.

Commissioner Mourdock: Which one are you speaking of? The one east of 41, I don't recall which road is which. Is it east of St. Joe or west of St. Joe?

Ralph Kissinger: This would be east of St. Joe, right at the "s" curves there.

Commissioner Mourdock: Okay, gotcha.

Ralph Kissinger: The culvert was collapsing and had been grafted together in the past as a makeshift repair. We went back and put the same size culvert, actually put it through the head wall on the other side of the road and brought it in and rip rapped the head wall. He called me end and said that we had caused his erosion problem

and said that we had redirected the water. The water hasn't been redirected. Myself, I looked at it, my assistant, John Stoll has looked at it with me. He wants us to put rip rap on the back which is clearly 30' to 40' off of our right-of-way. John and I agreed that if it were on the right-of-way, I would go out and do whatever I could for him. But, I can't go off of right-of-way without your permission. We could rip rap that part of the bank but it is not going to solve his problem. There is no vegetation to hold the ditch bank together, and we had some really strong rains in late November and early December, and it caused, we think this is more the problem than what we have done.

Commissioner Mourdock: As he made the point to me, it wasn't a question of redirecting the water, but basically of opening up the flow. Certainly you put the culvert in to increase the flow. So, I am sure that you did.

Ralph Kissinger: And it was at his mother's request that we replace the culvert.

Commissioner Mourdock: Well, that's fair too. I know that we have had a similar situation and I don't know if it was this past year or the year before, where we had done something similar and I think our recourse was that we provided some rip rap to the landowner and let them place it and pretty well signed off on it that way. What I was thinking with this one is, if we feel that by opening up that flow that we have in fact impacted the grade of erosion of his property, and I suspect we have, to some degree, that if we can get him to sign off on saying here's five loads of rip rap, or whatever you think is appropriate, put it at the edge of the field, he said he would place it, and have him sign off. That frees us of any future liability. Then I think it might be a cheap way of dealing with it.

Ralph Kissinger: If it's appropriate for me to ask you to give me permission and if John Stoll thinks that would cure the problem, I have no problem hauling the rip rap to them.

Commissioner Mourdock: John, do you have any comments? Are you familiar enough with it to have a comment?

John Stoll: It may fix the one area that is eroded right now, but I agree with Ralph, the bottom line is, he has an almost vertical ditch bank and his problem will probably reoccur again whether it's anything to do with the county's culvert or not. That would put a band aid on the one area.

Commissioner Mourdock: Yeah, but would you agree that by increasing the flow we probably did cause that to get into his field a little bit more than what it was?

John Stoll: It is possible.

Commissioner Mourdock: That is the way that I look at it.

John Stoll: I don't know that, I didn't see the pipe before it was replaced, but from what Mark was telling me, I'd say that it could have happened.

Commissioner Mourdock: Well, the two of you, would the two of you take a look at it and get an estimate as to how many trucks, how many loads of rip rap it would take and then-

Ralph Kissinger: I would say that it is probably going to take maybe two trucks. Maybe 40 tons-

Commissioner Mourdock: That's what my guess would be, which would be a pretty cheap fix. If, he will sign off and release us from anything further, and that is the key thing. Okay, go onto the second one then with Schillinger Road. Are you familiar with that one at all? Where the repair was made?

Ralph Kissinger: Which part of Schillinger Road are we talking about?

Commissioner Mourdock: Let me show you on the map. There is quite a steep slope right along our road and it looks to me that it started to, the slope, started to fail a bit. We went in and tried to do some things to stabilize that slope, which was certainly well intentioned, but it looks like to me, and I don't know where the right-of-way-lines are, it looks to me like the way we fixed the slope was that we crossed over our right-of-way into his field, into his property, and in so doing caused the ditch along the right-of-way to be moved more out into his property. So, would you take a look at that?

Ralph Kissinger: I certainly will.

Commissioner Mourdock: The (Inaudible) was sloped out and it does not look good. It is not a good looking job.

Ralph Kissinger: I will do that tomorrow. I will get some pictures and present them to you.

Commissioner Mourdock: Yeah, the big question there is, where is the right-of-way and what else can we do?

Ralph Kissinger: Some of those right-of-ways are questionable. We've got books and-

Commissioner Mourdock: Yeah, I understand.

Ralph Kissinger: He had Tom go back through the records and a lot of times we will either have more or less or a question mark.

John Stoll: It seems more often that not, it seems like these days on roads like that we find zero documented right-of-way.

Commissioner Mourdock: Well, if that is the case there, come back and tell me what we do, because clearly there has been a slope failure. I am not sure that what we did as a repair is going to help prevent more slope failure. We need to find some better solution on that one.

Ralph Kissinger: Certainly, we will take care of those tomorrow.

Commissioner Mourdock: Those are the only two that I had.

Ralph Kissinger: Okay, any other questions? Thank you.

Madelyn Grayson: May we make a tape change?

(Tape Change)

Madelyn Grayson: Thank you.

**County Attorney**

President Fanello: County Attorney.

Commissioner Mosby: I have nothing.

President Fanello: You have nothing. Are you the County Attorney?

Commissioner Mosby: I've been over here conferring. Nothing.

President Fanello: Did you have anything, Phil?

Commissioner Mosby: Did you here me answer for you?

President Fanello: David answered for you.

Philip Hayes: I have a couple of matters that I wanted to report. One is that the articles of amendment to, articles of incorporation that have been filed with the Secretary of State, and new by-laws were approved by the Old Courthouse Foundation, Incorporated. The current president, Robert Woosley, has agreed to remain involved and act as president of the foundation until appropriate organizations or entities have made their appointments to the Board of Directors. It is necessary and imperative that the County Commissioners' other organizations, along with the Commissioners, make appointments to the Board of Directors, so the foundation can begin the transition. The issues that the new board will need to address is; filing of annual report, tax return for the tax year 2001, bank account signatories. The foundations current lease with Mr. Anderson, of the old jail, that lease is about six months in arrears, and it will be necessary, of course, to address that issue. I will entertain any questions on it, as far as I can answer, but I have also documents of the articles, that is to say copies of those documents, and certain resolutions that are in my office, and I will provide those copies to Tammy tomorrow. At that point, I think, you can go ahead and consider what appointments you wish to make, and when you wish to make those.

President Fanello: I was going to say, I just got a copy this afternoon, and I think Patty made a copy for David and Richard.

Philip Hayes: Good.

President Fanello: Of the information, so.

Philip Hayes: Okay, good. Well, then that's--

President Fanello: It probably might be in your box.

Philip Hayes: --current. That memorandum was prepared to my attention by attorney, Jonathon Weinzapfel, at the Bowers Harrison firm, who's been handling this matter for us, and getting it completed. The other matter that I wanted to address is a set of quit claim deeds that are the result of the reported surplus property sale back

in November. So, consistent with that, those deeds have all been prepared and are provided tonight for your signatures. There are several. That's necessary to report on, and I'll go ahead and start those down the line if you would like, Madelyn? Then those will require notarization, as is usual.

Commissioner Mourdock: Yeah, I'll move we add the quit claim deeds to the Consent File.

Philip Hayes: Yes. Thank you, that's more appropriate.

Commissioner Mosby: If I don't second that, does that mean I don't have to sign all these?

Commissioner Mourdock: Wait until you vote on the Consent File.

President Fanello: So moved.

Commissioner Mosby: If we don't add it, I don't have to sign them.

President Fanello: Burdette—

Philip Hayes: One other broad issue, and that is, that our record was informed last year, and I think it was done by the Bar Association President, Jill Marcum, also magistrate Marcum, concerning a case called *Shoals vs. Shoals*. A case involving when appointed legal counsel must be compensated. I was provided with a copy of the Supreme Court of Indiana decision that was rendered December 21, 2001. I feel sure it's been reported in the legal press, if not the journal press, the general journal press, that fundamentally finds that counties are going to have to, under certain circumstances, pay for the civil indigent legal services, and that attorneys are not going to be beyond certain pro bono organizations that are already set up required to do services without a fee in those circumstances. So, the Supreme Court has sent this case of *Shoals vs. Shoals* back to the trial level for appropriate appointment of counsel and compensation, if it would be necessary in that case. The reason I'm bringing the issue to you tonight is that we will probably, if the predictions of those who've looked at the decision and commented on it, see counties required to pay additional funds over and above what they do at this point, for civil representation by attorneys for those who are indigent and wish to have an array of civil legal matters attended to. No one has any estimates of what that fiscal impact might be, and I'm informed the legislature will probably review the issues that are raised by the decision.

Commissioner Mourdock: That's huge.

Philip Hayes: Those that would like, I will provide a copy of this, and have it for your review.

Commissioner Mourdock: That could have huge consequences. I mean, huge costly consequences. Doing civil suits.

Philip Hayes: Yeah. There's been discussion, there's discussion here, it has to do with Indiana Code, Title 34-10-1-2 for your reference, but, again, I don't know what the big impact could be. That's all the matters, I believe, that I have tonight for your report.

President Fanello: Thank you, Phil.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. First thing, I guess, I have was the, I had gave Tammy to give to you guys a Burdette Park concessions income expense. This is a reflection over the last five years, which would be included in the RFP that we are working on. It was just something for you guys to take a look at. To me, it's a direct reflection of the weather, you know, if it's hot and sunny, we're busy. If it's been cold and wet, like the last two winters, you can see a decline in the profits. That would be included in the RFP for that. Then I was wanting to request from the Commissioners to go before the Council and ask for the money to go ahead and get the O'Day Discovery Lodge started.

Commissioner Mosby: I'll make a motion that we go to the Council and ask for whatever the amount is.

Steve Craig: When I got with Jim Morley last week, and he's supposed to give me a number, if it's anywhere near the same as what it was before they were making the last revisions. We'll add a contingency fee to it, and I'll report to you next week before I go to Council, because they have to be there by the 15<sup>th</sup>, which I think the meeting next week is on the 14<sup>th</sup>.

Commissioner Mourdock: I'll second the motion.

President Fanello: So ordered.

Steve Craig: The only other thing that, I guess, I have was my work reports.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move that we include the Soil and Water Conservation District Reports and the Ozone Officer Reports to the file.

Commissioner Mosby: We skipped Tammy.

Commissioner Mourdock: Oh.

President Fanello: Sorry.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: We did skip you. Sorry, Tammy.

Tammy McKinney: I don't have anything to report. I can tell you that I am working on the final numbers of the revenue and expense for the Old Courthouse.

President Fanello: Thank you.

Steve Craig: Sorry, Tammy.

Tammy McKinney: To make it worth your while, I had to say something.

Steve Craig: Thank you.

Commissioner Mourdock: Okay, and, again, I'll move we include Soil and Water Conservation District and the Ozone Officer Reports to the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Consent Items</b>
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President Fanello: Consent Items.

Commissioner Mourdock: The Auditor wishes to include one—

Commissioner Mosby: That's right.

Commissioner Mourdock: —item to the Consent File, which is a memo from Nikki Kincaid, the Juvenile Division Director, and it's, basically, informing us of some additional monies the county will be receiving. So, I'd move we'd include that into the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: In the Consent Items, there is also one other one that I would request that we pull out of the transfer, or out of the file for a separate vote, and that's the request for transfer dated December 6<sup>th</sup>.

Commissioner Mosby: Second.

Commissioner Mourdock: We'll vote on them separately.

President Fanello: Okay. So ordered.

Commissioner Mourdock: With that one excluded, I will move approval of the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: I'm sitting here reading something. I lost my concentration.

President Fanello: That's okay.

Commissioner Mourdock: And on that separate request, and I know this will sound like a vote against Barbara, and it is not that, it is a vote for policy. I just have a problem with doing this. Our policy, I think, is clearly intended, and I have to use that word rather than clearly stated, because I think there is a little bit of ambiguity in the

policy that needs to be cleaned up, but it is not the intent, was not the intent of the policy to buy the vacation time back. So, that is why I had asked to have this one pulled out. I would call for that one on a roll call vote.

President Fanello: Okay. You ready?

Commissioner Mosby: Yeah.

President Fanello: Commissioner Mourdock?

Commissioner Mourdock: I'll vote no.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye. I'm voting yes. I didn't want to get confused here.

President Fanello: Uh-huh, and I'll vote yes. So ordered.

Commissioner Mourdock: Okay. Just one other comment about that, Barbara, you heard me used the word consistent a whole lot over the last few years, and I do try to be consistent with the policy. To me, this isn't consistent. So, please, don't take it personally. It's not a vote against you individually.

President Fanello: Okay.<sup>1</sup>

<b>Scheduled Meetings</b>
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President Fanello: Scheduled meetings.

Commissioner Mosby: I don't have any.

President Fanello: Are we in need of an Executive Session?

Philip Hayes: So requested.

President Fanello: Okay.

Philip Hayes: We would like one.

President Fanello: Next week?

Philip Hayes: I think next week would be appropriate.

Commissioner Mourdock: What time?

Philip Hayes: If I have 30 minutes, I think I can cover everything. We would like to have the Building Authority attorneys come by. I was talking to Mr. Bowers, and there are issues with regard to outcome of an arbitration, that impact on our decision making here. Also, I think, that there are a couple of points in terms of discussing contract negotiations on the encroachment easement occasioned by the connection

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<sup>1</sup>Consent Items listed on Page 42.

between the Executive Inn and The Centre, that the county is more or less coordinating. Mr. Bowers would like to, if necessary, discuss that. He is going to do so with the City Attorneys, but he thought there might be some need to talk to us as well.

Commissioner Mourdock: Is that an Executive Session item under the (Inaudible. Talking over each other.)

Philip Hayes: In my opinion it is, yes. It would have to do with negotiating responsibility for certain expenditures.

Commissioner Mourdock: We do have Solid Waste next week, right?

President Fanello: Yes.

Commissioner Mourdock: Are we doing, since we are doing the meeting now at 5:30, is Solid Waste at—

President Fanello: 4:30.

Commissioner Mourdock: —4:30?

President Fanello: Isn't that correct? 4:30?

Commissioner Mourdock: Is that right, Madelyn?

Suzanne Crouch: (Inaudible. Mike not on.)

President Fanello: I haven't either. I don't know if they, did they understand that we were meeting at 5:30?

Tammy McKinney: I don't know.

President Fanello: I just got the agenda, it's back on my desk, if anybody wants to go take a look at it.

Tammy McKinney: I'll go back there.

President Fanello: It's in an envelope from Joe Ballard.

Commissioner Mourdock: Okay. Just to keep us moving along, I'll move then that we have an Executive Session one half hour before the beginning of the Solid Waste meeting.

Philip Hayes: Very good.

Commissioner Mosby: Second.

President Fanello: So ordered.

Suzanne Crouch: May I, Madelyn just pointed out that we did not get approval of the Special Meeting, the minutes of that special meeting. It wasn't on the agenda, and we would like to ask approval, so if we could just.

Commissioner Mourdock: It was the 19<sup>th</sup>?

Suzanne Crouch: Yes.

Commissioner Mourdock: I'll move—

Suzanne Crouch: It was the meeting of December 19<sup>th</sup>.

Commissioner Mosby: I'll make a motion that we approve the minutes of the December 19<sup>th</sup> meeting between the Council and the Commissioners.

Commissioner Mourdock: Second.

Suzanne Crouch: Thank you.

President Fanello: So ordered. Any other scheduled meetings?

Tammy McKinney: Solid Waste is scheduled at 4:30.

President Fanello: Okay.

Commissioner Mourdock: Okay, so we'll go at 4:00.

Philip Hayes: 4:00.

President Fanello: Thank you, Tammy.

<b>Old Business</b>
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President Fanello: Old Business.

Commissioner Mourdock: My Old Business item is simply the jail. I guess, in light of the sticker shock that we all still are suffering from, to some extent, and the actions of the Council, the thought is going through my mind, should we look at this thing from some other direction? More specifically, what are we going to do with the current jail space? Can we somehow incorporate that, or those beds with whatever new space we would have to get the numbers of beds that we need up to what we feel is sufficient? I guess, it's pertinent to have a discussion, brief or otherwise, on where we go with that, because I don't think, at this point, that we've had any. It's my understanding, from DLZ/United's point of view, they've not taken any look at all as far as using that space in conjunction with new jail space. It would seem to me, and I realize there could be some operational costs inefficiencies there, but no one has yet put a pencil to those that I'm aware of. I would like to see us try to develop, at least as an alternative to study, using that for our maximum security space, and using the other beds that we need, somehow here on the Building Authority property, for whatever the opposite of maximum security is. I don't want to say minimum security, but maybe that is the right word. I mean, how do we, how do we break the circle at this point? We're being told that we don't have enough money to do what it is we feel we need to do, which is come up with 600 beds or something. I guess, the second part of that is, are we at the point where we effectively cut Community Corrections and cut the Juvenile thing out of this current project? That's a mouthful alright.

Commissioner Mosby: That's more than one question.

Commissioner Mourdock: It sure is.

Commissioner Mosby: I'm not ready to cut Community Corrections or Juvenile out of the whole configuration, if you want to call it that. As far as having United/DLZ take a look at the present space in the jail and what we can do with it, I am definitely not opposed to that. For them to come up with some type, or I guess, give us what they consider the best use. I mean, my understanding is if we start renovating that space, I guess, we lose a lot of space, because you are going to have to meet modern day laws. Once you start that, I mean, I think your 260 whatever is going to go down quite dramatically.

Commissioner Mourdock: You're going to lose some, no question.

Commissioner Mosby: Right. I mean, I am willing to look at, maybe sit down with the Sheriff, maybe the Chief Deputy, maybe United, let them give us what they think is the best use, best scenario. I've heard Juvenile Detention mentioned several times for that space over there. I've heard Community Corrections mentioned, you know, for that space over there, but if we went in and, I guess, took a lot of the interior out that all we needed was beds and bunks. I mean, I'm open to—

Commissioner Mourdock: It may be that that space would have some application for Juvenile and Community Corrections. I guess, I'm looking at it from the point of view, again, and, Catherine, I heard you say at one point in the first joint meeting, that if our option were to only build a new jail, that only included 450 beds, you weren't in favor of doing that, because you didn't think that would address the immediate problem. If we're going to build a 450 bed jail, and otherwise close down the current jail, so that we truly only have 450 beds, I think, I agree with you. It seems to me, we've got to find some way to deal with the number of \$35 million that we are working with. For the life of me, I don't see that given what United has presented to us at this point, that that's going to, in the end, be able to include Community Corrections and Juveniles. You know, if we can pull a rabbit out of a hat and make it be so, then that's fine, but I think we're kidding ourselves. I appreciate your willingness to look at using the jail in some way, and I don't know how we can do that and maybe send a letter on to them that we have them take a look at it to see if they could provide something on that space.

President Fanello: I was going to say, I am not opposed to them doing that either, but we're still having a problem getting them paid for what they have done. I have a real problem asking them to do anymore.

Commissioner Mourdock: That's a fair point too. That's a fair point too.

President Fanello: I mean, it's just not good business.

Commissioner Mourdock: That's well said. You're exactly right. I'll withdraw until we get that issue resolved. I'll withdraw.

Commissioner Mosby: And I, you probably know, or I don't know if you knew I made that comment in the Council meeting last week. They were talking about moving forward on the site and a few other things, and I really told them until we clear that problem up, that I think we need to pay United, because, I mean, a lot of this United subs out. They don't do a lot of the site visits and I said, you know, it's money out of their pocket that they are paying, but we're not in turn, you know, good faith wise

paying them. You know, I would get the impression I was getting stiffed here before long, and probably be hesitant on what I would do, so, but I'm—

Commissioner Mourdock: Well, we—

Commissioner Mosby: The theory I still agree with.

Commissioner Mourdock: Okay. I guess, the point is, what I hear us agreeing to is that once the issue, however it is going to be resolved, for the claim that United presently has, they will then be directed to try to find some way to use the current jail space as part of this plan.

President Fanello: Do we wait until the Council's decision on the 30<sup>th</sup> to see if there is anything different that they are wanting to add? I mean, they may very well just come in and say we're sticking with the \$35 million.

Commissioner Mourdock: I think that's what they are going to do. Either way, if they suddenly say it's \$50 million, which I don't suspect—

President Fanello: I guess, either way we have to find a use for the other jail space.

Commissioner Mourdock: Yeah, and I think either way it's a valid question, and it's something we need to look at. I think I said here a couple of weeks ago, or maybe at the joint meeting, but when I saw the numbers that came through on their proposals, to me the location question disappeared. Because those locations, those dollars never did include property acquisition costs.

President Fanello: No, they would just have no way, you're right.

Commissioner Mourdock: That says to me that it's going to be on the Building Authority property. Because it takes that much more money away if it's not here, so.

Commissioner Mosby: Truthfully, I mean, I guess, we could probably get, probably contact United, see what the total square footage over there is.

Commissioner Mourdock: Over where?

Commissioner Mosby: At the present jail.

Commissioner Mourdock: Oh.

Commissioner Mosby: Or we probably have them figures in this total square footage. I would want to compare, you know, what it cost per square foot to build a new jail, as opposed to what it would cost to try and renovate that, and maybe not use that as a jail, one way or the other, but some other type of use. Because I think you are going to get into some heavy dollars, if you start renovating over there.

Commissioner Mourdock: Well, there will be some dollars there without question. I think, the bigger question is, how can we find what we've agreed to, which is space for 650 beds? As I say, I'm willing to agree with Catherine's position here, that if we are simply going to go out and build a new building somewhere with only 450 beds, and do away with this jail—

President Fanello: Then we don't have enough.

Commissioner Mourdock: Yeah, then we're wasting time, and I think we've done a poor job.

Commissioner Mosby: I've said that--

Commissioner Mourdock: But if we could somehow build 400 beds, perhaps, and still maintain something like a couple hundred there, especially if that's the maximum security, you know, the maximum security space, logic tells me, has to be the most expensive space.

Commissioner Mosby: Uh-huh.

Commissioner Mourdock: If we take that component out of this stand alone building, then we may, in fact, go from 400 to 500 beds there. We might end up gaining from that.

Commissioner Mosby: I think that's where I'm saying I would like to see the cost.

Commissioner Mourdock: I agree.

Commissioner Mosby: What it would cost to build that new back there as opposed to renovating that.

Commissioner Mourdock: But you have to have both to compare both.

Commissioner Mosby: 200 and...uh-huh. Of course, then I know that I've heard the Sheriff say on numerous occasions say that it's harder to secure that than it will be the new type, so. That's--

Commissioner Mourdock: Going back to Juvenile and Community Corrections, what's the trip wire that we can put in front of us to say those components are either in or out? Because, again, in my mind, seeing the numbers that we've been given, I think we've already tripped the wire, but, obviously, David, you have some second thought on that. I don't where your position is, Catherine, what your thought is.

President Fanello: Well, if we only have \$35 million, that's only going to build jail beds.

Commissioner Mourdock: That's right.

President Fanello: So, we really are left with no other option--

Commissioner Mourdock: Okay.

President Fanello: --but to cut the other two.

Commissioner Mourdock: Yeah.

President Fanello: I mean, we just don't have any options.

Commissioner Mourdock: Yeah. Which means, well, we don't have that option. The other option we have is to scale down Community Corrections. Maybe from the current level to something like 125. I mean, everything that we are hearing about the Drug Court situation, we could certainly use some of the money that is otherwise

being used in the numbers from 125 to up to 300 in Community Corrections, perhaps to get better use out of the Drug Court, and I haven't spoken with them since the last day they were here before us, but I would guess the youth, or not Youth Resources, the Rescue Mission might still be interested in doing something, if we go on and look at it that way. Like I say, I've not spoken with them.

Commissioner Mosby: I really am totally against scaling back on Community Corrections.

Commissioner Mourdock: Scaling back from 300?

Commissioner Mosby: Yeah. I mean, I'm just totally against that. Two reasons; one being that I think if we scale back on Community Corrections, we're going to see more people in jail, which in turn could mean less space that we could rent out to the State and Federal government, if that happens to be our intent and we go after money there. Second thing, I still like the fact that these people go into work release. That they go out and work everyday and then come back in. I would hate to see them all just start ending up in jail.

Commissioner Mourdock: Understand when I say scale back from 300 to 125, my point is not to say that those 175 end up in jail, but that we, basically, broaden what we are doing now with home detention and the other types of programs that are more received and better funded around the state. It's the overnight type, what do you call it, I can't think of the term, but the home detention—

Commissioner Mosby: House arrest?

Commissioner Mourdock: —yeah, the home detention with the bracelets and all that, and yet still giving them the chance, Day Reporting, is what I'm trying to think of.

Commissioner Mosby: Day Reporting.

Commissioner Mourdock: Having the Day Reporting, having those people come through Day Reporting even while they are staying at home, I think, is a cost effective way. I think it would keep them out of jail, keep them out of Community Corrections. They still work under the same type of thing, if they screw up, they still go back to DOC.

Commissioner Mosby: I think that's fine, but I mean, I hear some of these judges say, you know, I'm not sending them back to the atmosphere they came from. You know, I mean, I've had judges say, you know, I took them out of the house where all the drugs were, why am I going to send them back and have them report into me every morning. If I take them out of the alcohol environment, you know.

Commissioner Mourdock: Yeah, and my response to that, and this comes from other judges, obviously, is I'm okay in doing that as long as we have daily drug testing. You know, the daily urinalysis and those kind of things that are out there, so that we're doing more tests. There's more money there, but it's still less than if you are keeping those people in a facility.

Commissioner Mosby: Everything's an auction.

Commissioner Mourdock: That's true.

President Fanello: Okay, Old, well that was Old Business. One thing that I brought up at the Council meeting last week before I forget was that we have a weekly progress meeting on the jail. The Council seemed to be receptive of that, and that is in hopes of furthering the lines of communication.

Commissioner Mourdock: When is that going to be?

President Fanello: I would like for that to start, we would have to advertise it I'm sure.

Commissioner Mourdock: So it's going to be a joint--

President Fanello: I would, I would just like it to be an open meeting--

Commissioner Mourdock: --(Inaudible. Talking over each other.) where we meet weekly?

President Fanello: --where we meet in a room, and it's a weekly progress report with the Sheriff and his Chief Deputy and whoever else wants to be there, but proper advertising so that anytime there might be more than, obviously, one Commissioner there or a majority of Councilmembers there. I think Wednesdays 2:30. The Sheriff and I had talked about that earlier. Wednesday at 2:30 would be an appropriate time. So, I'm going to entertain a motion on that, if anybody would like to make a motion to advertise.

Suzanne Crouch: Commissioner?

Commissioner Mosby: So--

Suzanne Crouch: Excuse me, Commissioner Fanello, would that be advertising, or would that be sending a notice to the media just informing that you are going to be meeting?

President Fanello: Well, that I don't know.

Suzanne Crouch: I believe the Council Attorney--

President Fanello: (Inaudible. Talking over each other.) notice to the media.

Suzanne Crouch: Yeah. I guess, that's more a question for the attorney.

Philip Hayes: If it's your intent, was to send a notice that there would be such a meeting, and I saw the memorandum of it, it had to do that there might be some chance of there being two or more Commissioners present.

Suzanne Crouch: Council would send out a notice.

Philip Hayes: Council has already, they had a precedent of having sent such notices before?

Suzanne Crouch: They have, for this meeting.

Philip Hayes: Is what I understand. I don't have any authority for you to tell you that that's an appropriate Open Door Law notice. That there might under some circumstance, I think the law anticipates that there might be under some

circumstances two or more persons present, and there are rules gauging that. I just don't know of anyway to squeeze that out for you. I think I've previously commented that I really didn't know what the authority was for the County Council's remedy for that notice.

Commissioner Mourdock: Before we do, should we get those questions answered?

Philip Hayes: I think that--

Commissioner Mourdock: You can report back to us.

Philip Hayes: Yeah, in terms of, I can give you the answer right now. The answer is that that is not an appropriate Open Door notice. That, in fact, what you are doing is establishing, all you're establishing is some sort of pre-cut possible explanation for attempting to comply. I would not suggest doing it. I think that the law is pretty clear that if you intend to set up a meeting, then you can set up a notice of meeting and, you know, it won't, it will turn out not to be a meeting if not enough of you get there.

President Fanello: So, are you saying we advertise then in the usual way?

Philip Hayes: It would be, no, I think that, you know, it's not a regular meeting anymore, it would be a special meeting. If you look at the manner in which you've conducted, historically, over the last year or the year 2000, 1999, I mean, my review of it, would show that, you know, you've gotten together on committee meetings that kind of thing, but you have still run the gauntlet of the Open Door Law. If there's two or more of you there, and you're considering things, it becomes a meeting. It is a meeting, not sanctioned, if it doesn't have notice on it.

Commissioner Mourdock: That's implying also, it would seem to me, that if you set it up as a special meeting, all three of us are pretty well required to be there.

Philip Hayes: Exactly.

President Fanello: So, we can't just have a public meeting in the public with advance notice?

Philip Hayes: You're going to double up, you're going to double up--

Commissioner Mourdock: Number of meetings.

Philip Hayes: --the work. You begin to talk about a progress meeting where all of you are there, that there's a chance that some of you are there. The statement that there is a chance that two or more of us might be together, in my mind, all the County Council has done by saying there may be a majority of us who show up, all they have done is simply notified that there may be the consequences of establishing what some might view as a meeting.

President Fanello: Well, how--

Philip Hayes: It won't be a chance encounter, which is the ordinary exception to the law, chance encounters are those kinds of meetings which are like conventions. Bottom line, uh-uh, it's not--

President Fanello: Okay, then how about we do it this way. The Council designates a person to come to the meeting, and we designate a person to come to the meeting.

Philip Hayes: You could do that, yeah.

President Fanello: And that Council person will be responsible for passing along information to the other Councilmembers.

Philip Hayes: Because that's just one a piece.

Commissioner Mourdock: That would not require any notice.

Philip Hayes: Then there's no notice and you can just suggest that that happen, but they can send three.

President Fanello: I still can't understand why we can't have a meeting in the public, and you notice the media, and you notice the public.

Commissioner Mourdock: You can, but by doing that you are effectively saying it's a regular meeting of the County Commission, and all three of us—

President Fanello: Would have to be there.

Commissioner Mourdock: —would be required to be there. Yeah, or should be there. So, it sounds like what we are saying is, we may do a round robin among the three of us as far as saying who's going to go to that meeting in a given week, and the Council will send up to three of their people at any one time at that same meeting. Is that where we are?

Philip Hayes: Less than a, yes.

Commissioner Mourdock: That way we don't have to advertise anything.

Philip Hayes: Less than a quorum. As long as there is less than a quorum. The reason for no advertisement is because there will be no consideration—

Commissioner Mourdock: Right.

Philip Hayes: —no receiving of information.

Commissioner Mourdock: It will be informational.

Commissioner Mosby: If we do the meetings on Mondays, we just advertise our meeting for a half hour or 45 minutes earlier and have them advertise if three or more thinks they are going to be there, and we just have the meeting at 5:00 or 4:45.

Commissioner Mourdock: That would work fine for me.

President Fanello: That would.

Commissioner Mourdock: Then we could do it each week except for the Solid Waste week.

Eric Williams: (Inaudible. Comments made away from the mike.) Have it on Council night.

President Fanello: Yeah.

Eric Williams: Since there is more of them, it's easier to get them there if it's on their meeting night.

Commissioner Mosby: (Inaudible. Talking over each other.)

President Fanello: Whoever wants it.

Philip Hayes: (Inaudible. Talking over each other.)

President Fanello: (Inaudible. Talking over each other.) the budget, that's a good (Inaudible.)

Commissioner Mosby: Well, I mean—

President Fanello: Well, this has turned into a big ordeal to have progression meetings. Well, I mean, it would be better to have it as Commissioner Mosby proposed than not to have it at all, so. Or defeat the whole purpose of having it.

Commissioner Mourdock: You're saying on a Monday.

President Fanello: Uh-huh. If the Commission wants, or the Council wants to communicate bad enough and they want to be here, they will be here on Monday.

Commissioner Mourdock: Don't you think it's realistic they would say, especially since they started this, that—

President Fanello: No, they didn't start it.

Commissioner Mosby: What's the difference in what we're doing right now—

President Fanello: I started it. Well, it was our decision.

Commissioner Mosby: There's two of us going to a Council meeting—

Commissioner Mourdock: But it's a publicly, it's a public meeting and it's already advertised.

Commissioner Mosby: Okay, but it's not advertised for us.

Philip Hayes: That's right.

Commissioner Mosby: So, I mean, we've been going to these Council meetings all year long and sitting there, I mean, what's going to be the difference if we go next week or the week after? Besides Susan can write bad about us, who cares?

President Fanello: The media is right there, they won't care if they are there.

Commissioner Mosby: I mean, she's going to be there. WIKY is there. The TV is there. So we go in the meeting, if they want to ask a question, we go up and answer them now.

Commissioner Mourdock: Okay, so let me understand the genesis of all this again, Eric, the way this plan started was the Council was saying that they wanted to have this communication? Or did you guys start this or?

President Fanello: No, I proposed it last Wednesday, and then I discussed with them about the—

Commissioner Mourdock: Okay, fine.

President Fanello: —meeting time.

Brad Ellsworth: Like Commissioner Fanello said, we discussed this as a better way to communicate with the Council—

Commissioner Mourdock: Yeah, right.

President Fanello: Yeah.

Brad Ellsworth: —after (Inaudible) and we thought what better way than to have it, basically, an informal meeting of exchange of information. We said, okay, what's a good day and what's convenient when you could get the most people there. We thought an hour before the Council meeting would be the best way to go. That's, you know, we weren't...and advertise it as every Wednesday at 2:30, come as you are, come as you want. If seven show up or four or three of you and, you know, it's advertised, it's on the books. Somebody will be there. Maybe one of you, maybe one of us, maybe one of the Council or six.

Commissioner Mourdock: Yeah. The Auditor just said to me, the way the advertising works, if they are going to go ahead and advertise their meeting, whichever one's of us show up, a little bit along the line of what David said a moment ago, whoever shows up, shows up. We're there for information and that's it. So, I—

President Fanello: Phil's still not comfortable with that. If we notice the media that we are going to be there, does that not suffice?

Philip Hayes: No.

Suzanne Crouch: I think you ought to have—

Commissioner Mosby: I make a motion we hold this until next week, and decide between the attorneys, the advertisements and everything and see what's happening here.

Commissioner Mourdock: I'll second.

Commissioner Mosby: Thank you.

President Fanello: So ordered.

Brad Ellsworth: (Inaudible) Wednesday night (Inaudible) quick one.

Commissioner Mourdock: I applaud the intent. I think it's a good one.

President Fanello: So when does the Council, they meet when?

Suzanne Crouch: The 30<sup>th</sup>.

President Fanello: Oh, that's right, they've already had their first meeting. Well, okay, so we'll at least know something by next week. Okay.

Commissioner Mosby: Motion to adjourn, is that what you waiting on?

<b>New Business</b>
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President Fanello: Uh-huh. Wait, we didn't even do New Business, but I guess we don't have any.

Commissioner Mosby: Oh.

Commissioner Mourdock: Oh, the one bit of New Business, Patty, if you would, when we made those board appointments earlier this evening, would you make sure that one of, either you or Tammy, that a letter goes to each of those boards telling them which of us is appointed, and who's appointed, and then copy one set of those letters to all of us? Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 7:45 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Circuit Court	Treasurer	Knight Assessor
VCCC	County Assessor	County Clerk
PTABOA	Burdette Park	County Council
Sheriff Department	Area Plan	

**Travel Requests:**

SWCD	Health Department
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**Requests for Service:**

County Clerk	Pigeon Assessor
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**Commissioners/Area Plan**

Barbara Cunningham's vacation accrual payment request.

**Substance Abuse Council:** Safe Communities Grant Application.

**Sheriff:** Weekly jail information reports.

**Auditor:** Pass through of Juvenile Block Grant.

**Those in attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney

Madelyn Grayson	Maria Del Rio	John Pulcini
Bob Stayman	John Stoll	Ralph Kissinger
Steve Craig	Brad Ellsworth	Eric Williams
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
January 14, 2002**

The Vanderburgh County Board of Commissioners met in session this 14<sup>th</sup> day of January, 2002, at 5:35 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Vanderburgh County Board of Commissioners meeting, January 14<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions, Patty White from the Commissioner's office; Counselor, Phil Hayes; Commissioner Mosby; myself, Commissioner Fanello; Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Before we move forward, I would like to recognize two new deputies in the Sheriff's Department. That's William Gillenwater and John Snyder.

Commissioner Mourdock: Welcome.

President Fanello: They've been summoned to the meeting tonight by the Sheriff, no.

Commissioner Mourdock: Is this going to be regular duty for you?

Brad Ellsworth: Discipline.

President Fanello: Do I have approval of the minutes from January 7<sup>th</sup>?

Commissioner Mosby: So ordered, or motion to approve the minutes.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Certification of January 14, 2002 Executive Session**

President Fanello: Approval of the Executive Session summary minutes from today.

Commissioner Mourdock: I'll move approval of today's summary Executive Session. It started at 4:00, ended at 4:40. Present were the three Commissioners, Mr. Fluty and County Counsel, and it dealt solely with pending litigation.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Z Tuley: Earned Interest Report & Board of Finance**

President Fanello: Z. Tuley.

Z. Tuley: Hi, I'm Z. Tuley, the Vanderburgh County Treasurer. It is my annual obligation to bring to you all the for view and approval, well, not necessarily approval, I don't think that is probably the appropriate word, but for review of the last annual financial report. So, I've got a copy for everyone. Indiana Code states that the Board of Finance meets annually on the first Monday on or before the last day of January. This is the time that we appoint a President and a Secretary for the Board of Finance. In the past it has been made up of the Treasurer and the three Commissioners. Generally speaking, in the past, as Secretary for the County Commissioners, we have voted to have the Auditor be the Secretary for the Board of Finance as well.

Commissioner Mourdock: I would move those appointments again for the year 2002.

Commissioner Mosby: Second.

President Fanello: So ordered.

Z. Tuley: Thank you.

**Phil Lawrence: Permission to Award Cellular Paging Contract**

President Fanello: Okay, Phil Lawrence. Is Phil around anywhere outside? Okay.

Commissioner Mourdock: We have in the packets the report from him. I have not heard anything from him though. Patty, are we to go ahead and act on this, do you know?

Patty White: Tammy didn't say (Inaudible. Mike not on.)

President Fanello: Phil, have you reviewed those contracts?

Philip Hayes: Yes, I had. They appear to be standard.

Commissioner Mourdock: I'll move then that we award the contract to Cater Cellular and Paging for pager service for the city, or for the county.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Shirley James: Pigeon Greenway Funding**

President Fanello: Shirley James, and I believe I just saw her in the hallway.

Commissioner Mosby: She was out in the hall.

President Fanello: Patty, could you? Okay, we'll come back to her.

**Mayor Russell Lloyd: Downtown Master Plan**

President Fanello: Mayor Lloyd, Downtown Master Plan.

Russell Lloyd: Good evening, President Fanello, fellow Commissioners. You were, you should have received from Michael Osborne from the Department of Metropolitan Development, a copy of the City of Evansville Downtown Master Plan. I don't know if you have that here tonight, but I was just going to give a couple of brief observations for you. If you would like a more detailed proposal with graphics and story boards, he can do that. Under Section 2.2 some of the principals for the Downtown Master Plan, and there is ten, I will go through that and then briefly comment on the summary. Some of the principals that were used in the Downtown Master Plan; Strategic Development, tried to capitalize on the strengths of the district and do it as a market-driven development. Number two, Traditional Main Street Environment, offer shopping and entertainment, characterized by diverse environment and celebrate the history of the downtown. Number three, Pedestrian Friendly, safe and secure environment, day and night, and promote circulation. Number four, a unique personality and sense of place. You've got a unique collection of historic buildings and encourage and compliment new in-fill buildings. Number five, Visually Exciting Environment, development of quality wayfinding and public art. Number six, Encourage Mixed Use Development, look at upper story housing, office and high-tech developments. Number seven, Linked Integrally to Adjacent Neighborhoods and Business Districts. Number eight, Public/Private Partnering, which we think is very important. In addition, look at real estate development opportunities for private sector. Number nine, Carefully Crafted Development Guidelines, based on a flexible plan. Number ten, Educate the Region, which is Marketing. Working with the downtown organizations, develop marketing programs for visitors, tenants, owners, stakeholders, and developers. Finally, in the concluding section of this 70 page book, I just wanted to point out some of the goals. We have to identify organizations that will (Inaudible) champions of various goals. I'm on Section 5.3, which is towards the back, where it says Implementation. I'm just going to briefly read off some of the goals; clean and safe program, and that's something that government has to do working on the downtown main street, the river, the Civic Center. Work with the Building Authority on that. Look at the possibility of special improvement districts. Permit vehicular traffic on Main Street, something that the city is committed to doing. Work on removing the metal facades and restore the historic character of the buildings. Look at traffic planning, converting one ways to two ways. Look at landscaping and signing, and work on the gateways into the downtown with the Lloyd Expressway. Identify pilot block for rehabilitation project. One of the things the consultants, Kinzelman Kline and Gossman, suggested, the pilot block be the block bounded by Sixth Street, Main Street, Martin Luther King and Locust. Finally, develop marketing campaign for the downtown, and identify key projects, programs and events. Briefly, the medium term goals; continuing development guidelines for redevelopment. Introduce state of the art wayfinding. We see that in other cities. If you notice in Indianapolis, they've got the signs with the quadrants of the downtown, so to make it easy for people to get around in the downtown. New gateways into the downtown. Look to establish a community based LLC as a for profit entity that could actually purchase buildings, rehab them, sell them, and move on to the next project. Then their concept of the Civic Center piazza would be traffic circulating all the way around the Civic Center. Look for some in-fill housing opportunities, and implement a phase one public art

campaign, and broaden some community interest in the downtown through a downtown first campaign. Then, finally, the long term goals; the for profit LLC, build capital reserves for long term reinvestment potential. On the long term, look at North Main Street reconfiguration. The, in the long term, look at the government campus. Then the possibility of larger entertainment venues has been mentioned, the ballpark, the possibility of another hotel or arena downtown. Then develop regional marketing relationships. That's going through this briefly, and I guess, one other thought, just when you talk about it from a long term point of view, the foot of main street down here by the Curtis Building, I certainly don't want to impede on your work on the jail project, but I think one of the things that the Kinzelman Kline and Gossman pointed out that we want to try to leave the possibility of reconnecting Main at some point in the long term future. Once these buildings become, outlive their useful life, and we see these buildings being in very good condition, so that may be a long time, but, you know, scenarios where the possibility of a jail would be behind us or on the back 40, we would just ask that not to block the foot of Main Street here as it heads into the government building complex. So, I just wanted to mention that to you. Get that on the record. Did you have any thoughts about that? Or questions?

President Fanello: Does anybody have any questions?

Russell Lloyd: Okay.

President Fanello: So, oh, I've got one.

Russell Lloyd: Okay.

President Fanello: So, you're not opposed to the jail being in the back 40?

Russell Lloyd: No, I'm not opposed to that. That's, you know, the county's decision on that, so.

Commissioner Mourdock: But you are saying, if it is in the back 40, just don't block what could one day reconnect Main?

Russell Lloyd: Right. Look at it from a long term point of view that the possibility of someday Main being reconnected.

President Fanello: Is there any other questions?

Russell Lloyd: Okay. Thank you. Does anybody see Shirley James out in the hall? Maybe you might want to check the break room or something. We will move on to...I'm sorry.

Commissioner Mosby: He was talking about Les Shively. You took that off.

President Fanello: Yes. Les Shively will not be here tonight.

**Phil Hayes: Second (Final) Reading of Ordinance  
Amending Chapter 2.40.040 of the Vanderburgh County Code  
(Health Department Fees)**

President Fanello: Phil Hayes, second reading of ordinance.

Philip Hayes: Yes, this is the second reading of the ordinance. If anyone has any questions or would like an additional summary. This is the fee ordinance for the Health Department. We were made a full record, I think, in last meeting.

Commissioner Mosby: Motion to approve the ordinance amending Chapter 2.40.040 of the Vanderburgh County Code.

Commissioner Mourdock: Just before I second, I want to make sure there is no one here to address this ordinance. Seeing none, I will second the motion.

President Fanello: Motion and second. So ordered.

Commissioner Mourdock: That's an ordinance. We need to do a roll call vote.

President Fanello: I'm sorry. Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes. So ordered.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Any other group or individual wishing to address the board? Okay.

Commissioner Mosby: Mr. Johnson, ain't you wanting to address the board?

Edward Johnson: Yes.

Commissioner Mosby: It's time.

Edward Johnson: (Inaudible. Not at mike.)

Commissioner Mosby: Well, we was getting ready to move forward. I thought I'd better—

Mike Shopmeyer: Do you want me to go ahead then? We have been, over the last few weeks, following up on a program the city and county worked on last Spring, in April and May. If you'll recall, at this time last year the Executive Inn hotel, which is our only convention hotel across from our beautiful, \$30 to \$40 million convention center, was closing it's doors. In fact, the doors were closed. If you walk outside today, it's unbelievable, as you look at the view, the lights. It's very much open. Last week, I think, we as a community, this board, the Mayor's office, City Council can be very proud, that building was filled to the gills with conventioners. As a resident of a block away, my office, we saw people all week long. Today we are with you to deliver the restrictive covenant that's part of that deal. That deal provided for us important conditions, which were signed off on by the city and county, and those are; number one, that the block be consolidated. There was enormous title defect with that property that made it unmarketable to continue as a hotel, for that matter, for

any purpose, and that we have in our records has been fulfilled by the Bays Group. The other was that the hotel meet certain standards, and those standards have been achieved. The approval on those for AAA, three diamond status, will come this Spring. They will not come to the city in the Winter. That has to be fulfilled, it's required under the provisions, and we understand has been as the hotel stands there. Another of the conditions was that, I believe, it was \$8 million, I forget the exact amount, be invested. I have certification that over \$10 million has been invested in that property since both our bodies met last Spring. Another item that was to be completed was the crosswalk, which all of us know has not been completed. I understand, and we have included in the restrictive covenant a proviso...Ed, refresh me, that's to be completed by? May 1. So, about three months, because we are about mid June, three and a half months it's to be completed. Our agreement provides teeth, we herefore had as a community subsidized the prior Executive Inn owners, I would proudly say we had none of the teeth that we have in this agreement. Not only are the level of the hotel, but it is to be maintained as a hotel for a ten year period. Which keeps us from subsidizing something that could turn into another housing complex, or something else, that certainly doesn't serve the enormous public investment we have across the street in a convention center. What are the teeth? The teeth are that this is enforceable and a \$30,000 a month liquidated damage clause, up to the amount of the grant, which combined is \$3.3 million. \$2.3 from the city and \$1 million from the county. The agreement we signed provided for the first installment of \$1 million from the county, \$1 million from the city to be due and payable tomorrow. The city is prepared to make the payment tomorrow. We've met with Ed, I know that the copies of this have been going to the County Attorney as well. There are a few items that we marked up today, and they are pretty minor, I mean, I assume we are going to get those done—

Edward Johnson: They're done.

Mike Shopmeyer: —yeah, in the covenant, and with that, I guess, we're ready to go. We would like a restrictive covenant signed. We set it up to be a three party agreement. I think you want the benefit of enforcing it. You're putting a lot of money in. We certainly want the benefit. There has been a question raised, when Mr. Hayes and I spoke this afternoon, about fulfillment of that crosswalk, which is the most critical item left. I think we have that covered very well in the restriction, because the penalty is applicable, if it's not built, at \$30,000 a month. There's a 30 day care period, so technically that would be June 1. If they didn't have it on May 1, I assume Mr. Hayes, or we could notice them, but really it's more a matter that concerns the county than the city. We do hold \$1.3 million, the Mayor is here, I can tell you it would be our firm advice that if that was not built, that we would not write, would not recommend our client write that check for \$1.3 million. Mayor, I think you would agree, we wouldn't give them that check if that crosswalk weren't completed. That check is not due until June—

Edward Johnson: First of June.

Mike Shopmeyer: June 1? June 1, so you see we have enough time there where we could hold that payment to secure that last item. I think Mr. Bays has more than fulfilled, his company that is, has more than fulfilled the commitments they made to the city. I think we all have something to celebrate and be proud of. This restrictive covenant is standard in private development. You use it sometimes in zoning, when people come in and make promises, this is the same tool. It will go on public record, so that it can be enforced by, again, us, you, I would hope we would enforce

together, if we ever need to enforce and work it out as we have every step of the way on this. So, I guess, I would ask at minimum that, I think, we are ready, or it's our advice that the city is ready to sign, we're ready to write the check. We will, there is more money to come out. We will make sure that all the conditions, the one that remains, which is mainly that crosswalk is taken care of, and we state that on the record. So, I would be happy to answer any questions. Ed, of course, with the hotel, but Mr. Hayes thought it would be best that we speak to what we've done the last, about a month, Ed, we've been working on this?

Edward Johnson: About a month.

President Fanello: Does anybody have any questions?

Commissioner Mosby: I guess the only question I would ask, Mike, and I thought it was an agreement when we were in the Mayor's office that time that this crosswalk would be built before you came and asked for payment?

Mike Shopmeyer: The agreement absolutely contemplates that, you're right.

Commissioner Mosby: Okay, what has changed to date then? And why are we maneuvering around this?

Edward Johnson: Could I?

Commissioner Mosby: Yeah, either one can answer it.

Edward Johnson: Mr. Mosby, it would have been built to date, except there were design problems, which you guys, I think, are aware of. They had come before you this Fall and suggested a design that you did not find acceptable. So, when you didn't we had to go back, redesign it. It's in a situation now where it's been designed, it's been let for bids. John is coming in tomorrow, he's going to grant the contractor to go forward with it. It's going to be our problem if it's not done, but that answers your questions as to why we are here tonight when we said we'd do it. We would have done it, except the design changes which, again, we've done and we're not going to look back on, but we'll do them. We'll do it your way.

Commissioner Mourdock: Even so, there's no real breach, if you will, because you still have to (Inaudible) first get it done (Inaudible)--

Edward Johnson: No, to be fair about it, originally, when we were here, it was signed off on, it was supposed to be done by now. He's done everything else. I mean, man he's spent money, that hotel is so first class you wouldn't believe it. He's spent millions on that. He acquired the title at a huge cost. He's done everything, and he would have done, he would have done, and I think he's going to. I mean, he's letting it for bids. He's got the design your way. So, I guess, you would say, technically, there's a breach, but the reason I would ask you to go ahead and first of all sign the restrictive covenant so that we can get the million dollars from the city, clearly runs to your benefit. I mean, that gives you guys a clout, and secondly, with regard to the funds themselves, John was counting on them for tomorrow. We asked that he go ahead and allow us to do it...the design plans are here by the way.

Mike Shopmeyer: We put the design plans into the restrictive covenant.

Edward Johnson: Right, yeah.

Mike Shopmeyer: Because that, obviously, had been an issue in delay. So we not only made a day, but we put those plans in to provide, I think, it was originally contemplated to be back here, at least it was in my mind, now it's the vomitory closest to Walnut. The plans are, I mean, you might want to look at the plans to make sure those are the right plans, but they've been represented to us as the correct plans.

Commissioner Mosby: I guess my point is, and I will totally agree with everything you said about it being a first class facility, everything being nice. He's lived up to his agreement, but there has been problems with the crosswalk, and I know it took two or three meetings to get that settled out, and I would feel a whole lot more secure once I seen that being built and a contractor over there and seeing it bid out. I mean, I'm just not comfortable, and I mean, we made an agreement, and I really intend to stick to that agreement.

Edward Johnson: Will you sign the restrictive covenant?

Commissioner Mosby: No.

Edward Johnson: You won't sign those?

Commissioner Mourdock: Let me just add something here. Mr. Shopmeyer mentioned about the restrictive covenants that we deal with in zonings all the time. That's true, but at least what I'm hearing is the difference here, I don't recall in my eight years when we've dealt with a restrictive covenant through zoning that it ever worked to the favor of the county, or the county had the true power to enforce it. Usually, restrictive covenants are out there and the neighbors can enforce it against the petitioner of the rezoning, but it isn't the county that can enforce it. In this case, though, it clearly goes to the benefit of the county with the \$30,000 a month payments. So, we have the means to enforce it.

Mike Shopmeyer: You have teeth.

Edward Johnson: It says so in here. It's going to be enforced by the city or the county.

Commissioner Mosby: I mean, I just really feel like we made an agreement, and, I mean, I would hate to sign something different other than what we've got already, and, I mean, I'm just looking at tax dollars here. I would like to...and I'm not even sure the County Council is ready to pay their part of it.

Edward Johnson: I'm not--

Commissioner Mosby: Well, I mean, originally--

Edward Johnson: I don't speak to that, but--

Commissioner Mosby: --the Commissioners are in for \$500,000, and the County Council is in for \$500,000--

Edward Johnson: \$500,000.

Commissioner Mosby: --and they're not even going to have a meeting until the first of February, so.

Edward Johnson: Again, I'll respect whatever you tell me, but you couldn't sign the covenant tonight that just locks us into paying the fine if we don't do it? I mean, that's—

Commissioner Mosby: I really would prefer that once you have a design and you've bid it out and you have a contractor, and we see who that contractor is, you know, and we have a comfortable feeling that everything is going to go forward and happen, I would consider it.

Edward Johnson: Fine, so we should come back when we have the contract signed and, alright, very well.

Commissioner Mosby: Yeah.

Mike Shopmeyer: I mean, we're the city will proceed tomorrow and sign it. It will just be an amendment to bring another party in at that point. Or if you wait until after the bridge is built, then I suppose, that provision will come out. The city is going to sign it tomorrow as it's written, with that bridge requirement in it for May 1, because we're going to submit a payment. I want a restrictive for us, this is the lawyer in me, that restrictive covenant is more important.

Commissioner Mosby: Well, Mike, you know, and I question that because I thought we went in this agreement together, the city and the county. So now you're telling me the city is pulling out of the agreement.

Mike Shopmeyer: No.

Commissioner Mosby: Yes you are. You are telling me that you are going to go ahead and sign tomorrow. Now, originally, we had both bodies working together to come up with the money to do the Executive Inn deal. Now, since your part is satisfied, you really don't care what the county gets out of this, so you are going to go ahead and sign off. I disagree with that.

Mike Shopmeyer: Not what's left, we think we're more than secured in the agreement that is written. In many, many ways.

Commissioner Mosby: I understand, Mike, but you're telling me that you are going to give me a covenant, and even if I don't feel happy with it, and I don't feel like the county has been satisfied, because you know and I know we were in the same meeting, the crosswalk was a part of that, and it would be built before we made payment. Now, I mean, you can disagree if you want—

Mike Shopmeyer: Right.

Commissioner Mosby: --but we were in the same meeting.

Mike Shopmeyer: Oh, I—

Commissioner Mosby: And now you're telling me that you feel like you've been satisfied, so you want to pull out of the agreement with the county. That you are going to go ahead and sign. I mean, I would be very hesitant to work another deal with you. If that's the case.

Mike Shopmeyer: Well, it's not with me.

Commissioner Mosby: Well, it is with me. I mean, you just stood there and told me, well, we're going to go ahead and sign, and we'll amend the covenant. That's what you said.

Mike Shopmeyer: Because we have the coverage to protect, more than protect the investment involved if substantially below that amount. We've got an investment that exceeds the amount that we established. The developer has exceeded all the expectations. It's also a matter of when you deal with other developers, as we will in the future, if you have a history of not making your payments, it also can create a problem for us to lure economic development. I think that is the feeling of the Mayor anyway, and throughout this, so.

Commissioner Mosby: I didn't see anything in the original draft that said come January the 14<sup>th</sup>, if 70% of this deal is satisfied, I'll make partial payment.

Mike Shopmeyer: Well, we understood—

Commissioner Mosby: I didn't see that.

Mike Shopmeyer: —we understood as we talked to Mr. Johnson that this problem didn't exist until about an hour ago today. We understood all along that everyone was comfortable with the crosswalk, and we just found out today that there was this problem. I mean, I had understood through Ed—

Edward Johnson: (Inaudible) statement on that part.

Mike Shopmeyer: Right, I mean, I understood through Ed that he was communicating with the county and that they were okay on this point.

Edward Johnson: I talked to Phil about it. I did not talk to (Inaudible).

Commissioner Mosby: Yeah, I'd talked to Mr. Johnson on Saturday and brought, you know, this to his attention. You know, I guess, my only problem here is, and, you know, I just said that once I seen everything happening over there and I felt comfortable, that I would be willing to sign off. It just bothers me that the city is going to go ahead and sign off without the county, when we originally went in this together.

Mike Shopmeyer: We hear what you are saying, and we'll take that into account, but this is the first we had heard that. We've been taking all kinds of safeguards, and I think there is more than abundant safeguards here.

Commissioner Mosby: It's the first time you heard it because we haven't talked.

Mike Shopmeyer: I understand, but I'm talking to the party, and I thought you were talking all along.

Commissioner Mosby: I would think as a city and a county we went into an agreement together on \$3.3 million. I would have thought there would be some dialogue between us.

Mike Shopmeyer: There has been dialogue with your lawyer, and he said work through it as you see fit. That's what I've been doing.

Philip Hayes: If I can ask, Mike, there was a mention of the contracts being let on bids that were, maybe that's Edward's--

Edward Johnson: John told me that he had bid the contract, and he's coming to town tomorrow and he's going to choose a contractor tomorrow.

Philip Hayes: Were those not quotes that had been obtained by the engineers, Morley firm?

Edward Johnson: (Inaudible) I don't represent their firm.

Philip Hayes: Do you know?

Edward Johnson: I'm not part of that (Inaudible).

Philip Hayes: Okay, well that's a question that had been--

Edward Johnson: I just know he told me he was going to--

Philip Hayes: --asked.

Edward Johnson: --select a contractor. He thinks he knows who it's going to be--

Philip Hayes: Uh-huh.

Edward Johnson: --and we'll be glad to furnish you with all of that as soon as we are privy to the facts.

Philip Hayes: Yeah.

Commissioner Mosby: I will make a motion that we deny this, and it could be brought back at a later date upon work beginning on the crosswalk, and once we know there's a contract in place, and a construction company in place, and the process is beginning, when we see it.

Commissioner Mourdock: I'll just make a statement here. I'm not going to second that motion, David. I was about to make another one, but you beat me to the punch. There are times when you deal with business folks that you have to work a little bit on the element of trust, and see where the progress is made. I look across the street at what was over there 14 months ago, 18 months ago and it is so different than it was at that point that I think that the developer deserves, at the very least, a round of applause from this board, because he has helped make the Centre, which we have a huge interest in, a much more viable property. Mr. Johnson stated, and I know all of you recollect this as well, one of the reasons this delay happened in getting the overpass or the overwalk built was because when the first design came through they did not meet the specifications of this board. So, that slowed the process down, because Veazey Parrott had to go back and redesign to make it fit the, I think, Mike Shoulders' term to make it fit the ambiance of the Centre. Which, again, the fellow did that which was additional cost to them. So, I don't think it's unreasonable to go ahead given the show of faith that they've had in this project, and also the fact that there is some teeth in here for the sum of \$30,000 a month. So, I don't want to send the message that we are stiffing a developer who's worked hard.

President Fanello: I've got one other concern that I'm going to bring up real quick. I'm concerned that the Council hasn't put their money in place. Does Councilman Finance Chair Raben have anything to offer to that?

Jim Raben: We'll address it at our next meeting.

President Fanello: Okay. Is that January 30<sup>th</sup>? Is that your next?

Jim Raben: The first of February.

President Fanello: Oh, okay. Well, looking at the letter that we had in the original agreement it was contingent upon everything being done, and if he's going to pick a contractor tomorrow, I don't see why we couldn't come back and maybe sign the covenant on the, later this month, after we've seen that those things have been put in place.

Commissioner Mourdock: I think that's different than David's motion, though, just to specify. Because, David, were you saying in your motion not to do it until it was built, or until the contractor was picked?

Commissioner Mosby: No, I said once that we seen a contract, and they got a contractor or board, and we see some movement, then I would be willing to come back and sign off on this—

President Fanello: So we could get—

Commissioner Mosby: —but I would like to see some type of improvements made. Just going back and looking at the past history of what has happened, and I know we had the deal with the design and you're right, and the design wasn't right, and that's one protection we've had all along here, and I hate to give that up. I'll just leave it at that.

President Fanello: So we could do it as early as the 28<sup>th</sup>.

Philip Hayes: Madam President, before you, while this discussion is still going on, I had also contacted the Building Authority counsel, Mr. Bowers, after we had an opportunity to talk today, that is Mr. Johnson and I talked, and then there had been a draft mark up sent over, I think, on Friday, and I spoke to Mr. Shopmeyer, there are, excuse me, the matter of the encroachment agreements, I think, between the Building Authority are to be done, and I'm not sure if this is correct or not, but I believe Mr. Bowers led me to believe that they still have to do the final agreement concerning how the Centre is to be, how the construction is to proceed at the Centre. Then also how the improvement at a later date is to be handled. For example, if the same fate overcame the facility again as it did before, what, who would be responsible for maintenance of the crosswalk and those other improvements. So, apparently, that is still to be done.

Edward Johnson: (Inaudible. Not at mike.)

Philip Hayes: Okay, so, in any event, well, in any, confirms that the Building Authority still has some pretty important work to get done with that aspect of it. So, that's another part of the legal documentation, I guess you would call it, that has to be completed that's still out there.

President Fanello: And when might that be completed?

Philip Hayes: Probably pretty soon I would imagine.

Edward Johnson: Yes, I would hope within a few days.

President Fanello: Okay.

Commissioner Mourdock: Again, that's not for Mr. Johnson to do, that's for the Building Authority's counsel—

Edward Johnson: Well, I did the first draft and sent it to them.

Philip Hayes: Yeah, Mr. Johnson has, I've seen the draft on that.

Edward Johnson: I just wanted to get it going.

Philip Hayes: I know that they're—

Edward Johnson: So, I did it.

Philip Hayes: Right.

President Fanello: Well, I'm going to be agreeable that our money is in place, so it's not going anywhere, I'm going to be agreeable that we come back on the 28<sup>th</sup> and see where we are.

Edward Johnson: Thank you very much.

President Fanello: Shirley James. We'll go ahead and get back to you.

Commissioner Mosby: You might tell Mr. Lawrence we're done with him.

President Fanello: Yes, Mr. Lawrence, we approved your contract.

Shirley James: I'm sorry, may I apologize if we were late.

President Fanello: That's okay.

Shirley James: I understood it was at 6:00.

President Fanello: We just moved on, now we're getting to you. That's fine.

Shirley James: I'm Shirley James and I would like to introduce to you Thornton Patberg, who will present the budget. He is our, with our Finance Committee.

Thornton Patberg: Just a couple remarks before we go into the budget real quick. We are happy to report that we hope by March they will start construction for the Greenway passage from Sunrise Park to the Korean War Monument. Also a part of that will be from the riverfront plaza to Ohio Street Bridge. By next Summer, since we now have the property of the high rail along 41, from Lloyd Expressway to Glenwood school, that we are hoping by the end of the Summer of 2003 you will be able to go from Stringtown to Uhlhorn, which is already finished, and from Uhlhorn to Ohio Street Bridge, down the waterfront, along the plaza, up to Glenwood school

and down to the Lloyd Expressway. The way things are progressing, we should have that, we hope to have that finished by the end of 2003. We had a corporate donor campaign, and there were some matching gifts. We raised a little over \$100,000, but most of the donors signed up for certain amenities, such as benches and signs and so forth, so it didn't give us money that we could operate from, because that is restricted money. We are part of the Parks Department, as you know, and so all of the major funding will come from, and the repairs, etcetera, will be from the Parks Department. What we are asking for is approval to go before the Council for \$12,000. Very quickly, what it's for, you can see, the first \$1,200 is an Internet access, which we would use for grants for as much as anything. You'll see the next one is Field Office for minor repairs. As I said, the major repairs for the Greenway passage will come from the Parks Department. Then you see the Education and Marketing Committee, and there's a description there of what we are asking for the money. The brochures, I will say that the Convention Bureau has asked us for this, that they would like to use, and they also use the brochures for grant proposals. So, what we are asking for is the \$12,000 for your approval to go before the County Council for funding. We've got the two experts here, Shirley James and Linda Goedde, that will answer your detailed questions.

President Fanello: Does anybody have any questions? Well, how do you feel about the \$12,000?

Thornton Patberg: I will say that we are finally beginning to make...there is a lot of red tape with INDOT and so forth in getting the funding for these various things, but things are really starting to move now.

President Fanello: Let me understand, are you requesting the \$12,000 from the Commissioners? Or are you requesting to go before the Council and ask for the \$12,000?

Thornton Patberg: For your approval to go before the Council.

President Fanello: Oh, I'll give you that approval.

Commissioner Mosby: I'll go ahead and make that motion, if there is no questions. I'll make a motion that we give them the approval to go to the County Council and ask for \$12,000.

Commissioner Mourdock: And I'll second, and I would be prepared to hear, get ready to stand in line, or some phrase like that from the Council.

Thornton Patberg: Alright, thank you.

President Fanello: Good luck.

Thornton Patberg: Thank you. I would also say that we talked to a Toyota representative, he said to keep bringing power into the local area, this is one of the most important projects that has happened. We did a little feasibility study at Bluffton, Indiana, and they said they just finished their parkway there, Greenway passage along their river, I forgot what river it is—

Commissioner Mourdock: Wabash.

Thornton Patberg: What is it?

Commissioner Mourdock: The Wabash.

Thornton Patberg: Wabash? They said there is nothing been done in the city recently that has improved the atmosphere of the environment for the city. So, we are hoping to get this thing done. Thank you people.

President Fanello: Thank you. Good luck.

Shirley James: Thank you very much. Appreciate that.

President Fanello: Any other group or individual wishing to address the board?

Commissioner Mosby: If there is no other group or individual, while we are under Action Items, I would like to make some board appointments that we need to make that we didn't make last week. We need to make appointments to the Community Corrections Board. At this time I would like to appoint John Browning, Lark Buckman, Nancy Helms, Marty Amsler, Jason White, Allan Henson, and Randy Heidorn to the Community Corrections Board.

Commissioner Mourdock: Do we not need a County Commissioner to serve on that board?

President Fanello: Uh-huh.

Commissioner Mourdock: I had been on that board in the past, and I don't recall whether that is actually a statutory requirement?

Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mourdock: Ah, you're right, okay.

Commissioner Mosby: The County Council has Phil Hoy on there the way I understand it.

President Fanello: So, are you still wanting to serve?

Commissioner Mosby: Yes, they make that appointment though, I believe.

Commissioner Mourdock: That is...yes, I would still serve on that as a lay appointment.

President Fanello: We still have another lay appointment.

Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay. Okay.

President Fanello: Okay. I would go ahead and add Richard. He would like to continue to serve.

Commissioner Mosby: Oh, okay. Then I'll add, I'll also add the name of Commissioner Mourdock as a lay person.

Commissioner Mourdock: And I'll second all those.

President Fanello: So ordered.

Commissioner Mosby: I have a motion and a second...oh.

Brad Ellsworth: Brad Ellsworth, Sheriff. Was there also one on there Candace Perry as the Victims Advocate? Did I skip that on the recommended list?

Commissioner Mourdock: I didn't hear it mentioned.

Commissioner Mosby: Don't have that one.

Brad Ellsworth: Okay, I'd talked to her and she was interested in serving as the Victim and/or Victim's Advocate. So, if I may recommend that to the Commission. She is willing to serve.

Commissioner Mosby: Candace Perry?

Commissioner Mourdock: That's the one that has been on in the past, correct?

Brad Ellsworth: No, no. She is new. It calls for a Victim and/or a Victim's Advocate, and she works at Albion Fellows Bacon Center as the Deputy Director, and has expressed an interest in serving.

Commissioner Mosby: Candace Perry, right?

Brad Ellsworth: Yes.

Commissioner Mosby: I will make a motion to also appoint Candace Perry to the Community Correction Board.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: I would like to also make an appointment of Wayne Ravelette and John Dillingham to the HVAC Board.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: And then one other appointment that I would like to make. I would like to remove Mark Beard from the Building Authority Board of Trustees and in place of Mark Beard put Jack Mc Neely on the Building Authority Board of Trustees. The reason being is because Mark Beard, I believe, as of Friday, has purchased a home in Warrick County and has asked to be removed. Under the statute he can't serve anyhow.

Commissioner Mourdock: Is he sending a letter in to that effect, David?

Commissioner Mosby: Yes, I believe he has.

Philip Hayes: I have a letter from Mr. Bowers, excuse me, I have a letter from Mr. Bowers and there should be a copy of it, if you'll give me one moment here.

Commissioner Mourdock: But is the Bowers letter relative to Beard? Or is that—

Philip Hayes: It is relevant to Beard, yes. Here's, yeah, Mr. Bowers has addressed me under date of January 9 that, if you would pass that down. I apologize, I had that, I think there's a copy, I think we faxed a copy over to us.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Philip Hayes: Okay, that should probably go in the, I'll give this to Madelyn for her—

Commissioner Mosby: That's all I have.

Commissioner Mourdock: Okay, and I have one that was carried over from last week—

Commissioner Mosby: Oh, that's right.

Commissioner Mourdock: —for Burdette Park. I would move the appointment, or actually the reappointment of Diane Collins to the Burdette Park Advisory Board.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Patty, would you, I'm sure Steve Craig has her address, to make sure we send her a letter of that appointment.

President Fanello: Okay. We'll move on to Department Head Reports. County Engineer.

Madelyn Grayson: May we make a tape change first?

President Fanello: Okay.

**(Tape Changed)**

**John Stoll: County Engineer**

John Stoll: First, I would like to request to go before County Council to request an appropriation of \$200,000 from the Road and Street Fund for the Elmridge and Congress Street and Drainage Project. Listed in front of you is a cost estimate that was prepared by Clark Dietz for approximately, I believe, it was \$400,000 to \$425,000. This is a preliminary estimate for the repairs and the drainage improvements, and we have \$250,000 currently budgeted for this project, and I'm just requesting another \$200,000. That would cover any contingencies that they may run into as they prepare the final plans. The drawing there shows the scope of what they are proposing. The green line is the new storm sewers they are proposing out there on Iroquois and Congress. The yellow area is a section of the street they are proposing would be entirely replaced. There is miscellaneous patching elsewhere throughout the project, but that will all have to be specifically defined as (Inaudible).

Commissioner Mosby: I will make a motion to give the County Engineer permission to go to the Council for a transfer for Street and Road.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have Request for Proposals for the bridge inspection. It's requested that that RFP be approved and then we will send it out to all the consultants who have asked to be on our list, as well as all the DBE consultants that INDOT requires us to notify. The proposals will be due back in on February 25<sup>th</sup> as a result of that RFP.

Commissioner Mourdock: Have we been doing that on an annual basis, or bi-annual?

John Stoll: This is bi-annual.

Commissioner Mourdock: Okay.

John Stoll: And it's always a four year contract. Basically, it's for an inspection, and a reinspection two years after the initial inspection.

Commissioner Mourdock: I will move approval of the issuance of the RFP.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: John, do we need permission to advertise that as well? Or is that what you just asked for?

John Stoll: I don't...we can advertise it, I guess. I don't know that we have.

President Fanello: It doesn't really have to be, but I guess we could if you want to.

Madelyn Grayson: No, that's fine.

John Stoll: Okay, I was just going to say, I will just send it out to the consultants then. Last item I have is a revised offer for Parcel #4 owned by Gene Pfeiffer on the University Parkway Project. The previous appraisal failed to include a cost to cure for the removal of a water well that is out there on Mr. Pfeiffer's property. This adds \$3,200 to the appraisal for a grand total of \$124,900.

Commissioner Mourdock: Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

Commissioner Mosby: Thank you.

John Stoll: Thanks.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway Department. You have my reports. I do have one thing to add. Commissioner Mourdock and I spoke this evening, before the meeting, about the two situations, one was on Sensmeier Road and the other was on Schillinger Road. Myself and the County Engineer both went out and I took some pictures of the situation to document it. If Mr. Kissel will sign off and release us from any further liability, I would be glad to haul some rip rap to his property. He said he will place it, if we'll haul it out. With permission of the Commission, I will go ahead and take care of that, if he'll sign an agreement that says that he will pursue this no further. It is actually off the county right-of-way, but there has been a pipe replaced...what happened, the pipe that was under the road, the culvert pipe, had become about half silted up. When we put the new pipe in, it released the drainage, and it washed the ditch bank out. It's protruding into his field, so the agreement that we would like to pursue on that is just go ahead and ask him if we haul the rip rap out, he places it, he'll release us from any further recourse on this.

Commissioner Mourdock: I'll move we have the County Attorney draft what's, in effect, a release from him—

Philip Hayes: Something.

Commissioner Mourdock: —yeah, conversation for the release is two trucks of rip rap.

Commissioner Mosby: I got a question before we do that. Are we going to set a precedent here?

Commissioner Mourdock: We have done this before. The precedent is already out there, in that sense, in that there are times when we've done things with drainage, and done them correctly, and we didn't do anything wrong, don't misunderstand—

Ralph Kissinger: Absolutely not.

Commissioner Mourdock: —in opening up this culvert pipe, but once we opened it up, we actually did increase the flow, and because it comes out on an angle onto the property, we are somewhat culpable. I mean, yes, we've done the right thing, but I think we are a little bit culpable, and we have done this in the past, so. That's why I think it's important that we, if we're going to do this that we never, ever do it without some form of release from the person saying we've met all of our obligations, and get them to sign off on that.

Commissioner Mosby: I will give you a hesitant second, but.

President Fanello: So ordered.

Ralph Kissinger: I have nothing further, unless you have any questions.

Commissioner Mourdock: You did say that you've spoken to Mr. Kissel?

Ralph Kissinger: Yes. I will notify Mr. Kissel tomorrow.

Commissioner Mourdock: Okay.

Ralph Kissinger: And tell him what was said at the meeting.

Commissioner Mourdock: Tell him if he still needs to talk to me, to give me another call.

Ralph Kissinger: Okay, that's fine. Thank you.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: Thank you. Just preliminarily with regard to the discussion of the restrictive covenant on the Bays matter. There is nothing problematical legally about the Bays matter. The issue I want to clarify is that I did not attempt to represent the attitude of the Board of Commissioners with regard to payment of the funds. I was well aware it was late. I don't, I know that a lot of work has gone into this by Council. I was asked to coordinate this between the various bodies, primarily the Building Authority, and the city and ourselves. I have no problem whatsoever, and have had the restrictive covenant draft since about 7:20 on Thursday night, and I had a chance to address it. Then the finals came over. So, I didn't want to leave the impression that somehow or other the Board had not been informed. I think it was, basically, a question of taking a shot at it with the cash without pay now, pay later, and that matter, obviously, has been resolved. It's not Mr. Shopmeyer or Mr. Johnson's issue here at all. I think they want to simply hasten it, as they've already made the record on, so. In addition, I wanted to report that there was a mediation in regard to *Vanderburgh County vs. Nelson Kuhlman Construction*. As you know, there had been a mediation, and as a result of the mediation and authority given, the counsel attorney reported that this lawsuit was settled for \$83,500. We had authorized that at our previous Executive Session. The funds are now being gathered to be paid to the county. We don't have documentation for that tonight, but will be notified when we do. There will be no further action that needs to be taken by us, except just to, signing of the releases.

Commissioner Mourdock: I just want to clarify something for the record, you said it was authorized in Executive Session, it was actually authorized through claims through the public meeting, since we can't do it—

Philip Hayes: I'm sorry, that is, I did misstate that.

Commissioner Mourdock: —in Executive Session.

Philip Hayes: There was a, just as John had sought authority previously on the issue of upping the award in one where we are paying the other way, this was a law suit brought for compensation to the county, and there, indeed, was a authorization over and above an amount, and then \$83,500 was, ultimately, determined at the mediation.

Commissioner Mourdock: Just as a follow up with the attorney's report then, too, and this brings to mind. We need to add to tonight's Consent Items, and I'll make the motion at this point, that we add a blue claim form to USF & G to the Consent Files.

**(No blue claim submitted in Consent File for approval.)**

Philip Hayes: Okay.

President Fanello: So ordered.

Philip Hayes: Then I wanted to report that articles of amendment to the not-for-profit incorporation for the new Old Courthouse Board, which is solely for the purpose, and the promotion, development, operation, support and preservation of historic landmarks in Vanderburgh County, which is in general. Then, in specific, the Old Courthouse Foundation, Incorporated, and the appropriate amendments were made to accommodate the various board appointments that were reported to you, and copies of which were given to you from last meeting. That just arrived, and I want the record to reflect that we have that. I believe that's, oh, I also had a contact, I did have a contact from a company called Municipal Services Bureau, which had previously sent material, and I believe they may have attended one of our meetings earlier on. Mr. Smaby is an official of that company. He contacted me and I wanted to make a record that he wishes to make a proposal concerning collection of court costs, fines and fees that are delinquent and unpaid. He's made arrangements with the County Clerk to meet later on in the month with her in order to go through issues there. He will send further information back to this body. I suggested that he, consented that he do that through our office. I'll, when we receive that, we'll forward them to you for review on that. He did not indicate how much anticipated revenue that he might recommend could be collected, or for what prices. I believe that is the extent of our report this evening.

President Fanello: Thank you.

Philip Hayes: Unless you have any questions on anything.

President Fanello: Any questions? Okay.

**Superintendent of County Buildings**

President Fanello: Superintendent of County Buildings, and Tammy had to be absent tonight. Patty, did she have anything.

Patty White: It's in the packet.

President Fanello: Okay. She had a worksheet that she put in the packet.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. First thing I have, I guess, is the letter that we had give to the Commissioners on sending out to different businesses for them to sponsor kids in the Day Camp and the Science Camp. If the letter is

okay with you, then we'll put it on letterhead from the County Commissioners and have you sign it. Then we'll run the copies off and send them out.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Steve Craig: Then the second thing I have, is that I've got some updated information. I met with Morley and Associates late this afternoon, and I've given you a short, brief outline of it, and we got it down a little bit more, we made some more cuts. What we actually need in dollar figures is \$469,719, is what we need to start the building, and with a 10% contingency fee, it actually comes out to \$666,690, instead of the number that I had gave you on the—

President Fanello: What was that first number you gave?

Commissioner Mourdock: Yeah, me too.

Steve Craig: \$469,719.

Commissioner Mourdock: And with the contingency fee, you said it was six hundred and something?

Steve Craig: Contingency fee was \$196,971, and the two of them added together comes up to \$666,690.

Commissioner Mourdock: But the \$469,000, isn't your contingency fee 10% of that number?

Steve Craig: No. That's just the money that I'm asking to get the total amount. The contingency fee is the amount for the whole project.

Commissioner Mourdock: Ah.

Steve Craig: It's 10% of the cost of the building.

Commissioner Mourdock: Oh, sure. Okay, you're right.

Commissioner Mosby: What did you...I was just reading the letter that you sent on January 10<sup>th</sup> saying that you needed \$715,000. What did you cut this time?

Steve Craig: Yeah. Where did I get that? I deducted all the equipment out of it, but when Morley's came out, there was other fees and things that I didn't want in there. Once we took the equipment out of it, the overhead and the profit, which they had 21% put in. Then I took the 21% off the total fee of that, which gave me the final number here. Do you understand what I'm saying?

Commissioner Mosby: I didn't quite understand what you were saying there.

Steve Craig: Well, what we had done, what I did, Morley had, was out of town and I couldn't get in touch with them last Thursday, was that they had the equipment in the building, included in it. So, I deducted that from it, but then when Ben Kunkel

came out from Morley and Associates, I had asked him about the overhead, the profit that they have in it is 21% of the total cost. So, once I took out the equipment, that made it \$44,000 less than what they had in their profit margin.

Commissioner Mosby: Okay. Well, wasn't this building originally like \$1.8 or nine?

Steve Craig: It still is. The total cost of the building is \$1,969,719.

Commissioner Mosby: Okay. The cost of the building minus furnishings is \$2,014,456.

Steve Craig: No, it's \$1.96.

Commissioner Mosby: This is your paper, Steve, not mine.

Steve Craig: Yeah, but we took another \$44,000 off of that. That's what I said, if you kind of just disregard the first part, because when we went over it this afternoon late, we made the other cuts.

Commissioner Mosby: Okay, and then I guess my question was originally when we started this, I mean, back a year, year and a half ago when it was first brought to my attention, what was the price then? I didn't think it was this much.

Steve Craig: It was \$1.888 million.

Commissioner Mosby: So, what's driving the cost? I mean, is it just the economy?

Steve Craig: I guess in the last year—

Commissioner Mosby: Construction costs and that?

Steve Craig: Yeah, because he gave me a spread sheet, and that's what it's went up in the last year, I guess.

Commissioner Mosby: Okay. So, are you asking to go to the Council then and ask for \$666 thousand—

Steve Craig: 690 dollars.

Commissioner Mosby: \$666,690. I will make a motion to go in front of the County Council and ask for \$666,690.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Steve Craig: Then I have my worksheets.

President Fanello: Is there any other questions?

Commissioner Mourdock: I'll move we include the Soil and Water Conservation and the Ozone Officer's Report to the file.

President Fanello: Oh, we can wait. We can wait.

Commissioner Mosby: Second. I'm sorry.

President Fanello: So ordered.

<b>Consent Items</b>
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President Fanello: Consent Items.

Suzanne Crouch: I would like to ask that the Commissioners amend the Consent Items to include a Substance Abuse Renewal Grant that the Health Department has, is going to renew. It's a pass through grant, so you all don't need to sign it, but we would like to submit it for the record.

Commissioner Mosby: I'll make a motion to amend the Consent to include the grant.

Commissioner Mourdock: Second.

Commissioner Mosby: Then I will make a motion to accept the Consent Item as amended with the blue claim and the grant.

Commissioner Mourdock: Second.

President Fanello: So ordered on both.<sup>1</sup>

<b>Scheduled Meetings</b>
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President Fanello: Scheduled meetings. From the last Council meeting there was discussion between the Sheriff and the Council about the Final Building Program from United. Paul Summers from United will be here on Thursday in Room 303 from 12:00 until 3:00 to go over the Final Building Program with Council members. So, Patty called over and let Sandie Deig know today, and she was supposed to get in touch with all the Council members, and we also sent out a, we're going to send out a, excuse me, letter also. So, and-

Unidentified: When is that meeting?

President Fanello: Thursday.

Commissioner Mourdock: The 17<sup>th</sup>.

President Fanello: The 17<sup>th</sup>. In Room 303. What he will do is conduct one hour segments, three times, obviously, so in order to let people come in as they can allow in their schedule. The Sheriff has something to say.

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<sup>1</sup>Consent Items listed on Page 27.

Brad Ellsworth: I'm sorry. Brad Ellsworth, Sheriff. I just wanted to comment. I think in our last program meeting with Paul last week when we were going over that, we thought that would be beneficial, because he has just such first hand knowledge. We even had questions of what this meant in the program, and if you can ask him right there at the point when you are looking at it, it really helps you out, so. I would recommend anybody that could make it down there, it would help.

President Fanello: Because I don't think anybody could take that home and really understand—

Brad Ellsworth: And not have to come back and have it marked and so—

President Fanello: Yeah, exactly, uh-huh. So he will be there for three hours to conduct one hour segments, so.

Commissioner Mourdock: Just, what do we expect will be the outcome of that? They are going to go through the same Final Building Program. That's the 264 page document.

President Fanello: Yeah, but we don't have a Final Building Program. That was a draft, and what the Sheriff did was go back and make his changes. As I understand, Paul finished it up last week.

Commissioner Mourdock: But they won't be presenting new estimated budgetary numbers?

President Fanello: No, no. This is just the Building Program only.

Brad Ellsworth: And, and I think it's really important to emphasize every time that that is still going to be a draft.

President Fanello: Uh-huh.

Brad Ellsworth: That is not the schematic design or the—

President Fanello: Exactly.

Brad Ellsworth: —final thing that says this is what we are going to build. That's ideas and brain storming, and certainly open to comment or deletions and still to be picked apart. There's no drawing there.

President Fanello: Uh-huh. Exactly. But the Councilmembers had expressed interest in looking at that, and so he will be here with one final copy to sit down and go over it with Councilmembers, or anyone else who wishes to attend. Is there any other questions? Any other meetings?

**Old Business**

President Fanello: Old Business?

**New Business**

President Fanello: New Business? Motion to adjourn?

Commissioner Mourdock: So moved.

Unidentified: (Inaudible. Not at mike.)

Commissioner Mosby: Second.

President Fanello: Oh, yes, the letter that we talked about last week sending to the Council about the Old Courthouse.

Commissioner Mourdock: The letter I appreciate. I sent some language in to Patty, she included that, and I think it looks fine, so I'll move approval of the signing of the letter to President Winnecke.

Commissioner Mosby: Second.

President Fanello: So ordered. A copy will be given to all the Councilmembers. So, now do I have a motion to adjourn?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Meeting was adjourned at 6:40 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Circuit Court	Health Department
Coroner	Public Defender	German Assessor
Superior Court	Auditor	

**Travel Requests:**

Health Department	Treasurer	Area Plan
County Engineer	Knight Assessor	Center Assessor

**Requests for Service:**

Superior Court	Area Plan
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**Co-Op Extension Office:**

Contractual Services Agreement.

**Auditor:**

Substance Abuse Grant Renewal for Health Department.  
Declaration of Surplus Equipment.  
Submit Accounts Payable Vouchers.

**Commissioners:**

Letter to County Council President Regarding Old Courthouse.  
**No blue claim for USF & G submitted for approval.**

**Treasurer:**

Submit monthly report.

**County Assessor:**

Permission to advertise legal ad for PTABOA public meeting regarding land values.

**Prosecutor:** Declaration of surplus computers.

**Pigeon Assessor:** Declaration of surplus computers.

**Sheriff:**

Weekly jail information and reports.

**Those in attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Patty White
Madelyn Grayson	Z. Tuley	Shirley James
Thornton Patberg	Russell Lloyd	Mike Shopmeyer
Edward Johnson	John Stoll	Ralph Kissinger
Steve Craig	Brad Ellsworth	Jim Raben
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
January 28, 2002**

The Vanderburgh County Board of Commissioners met in session this 28<sup>th</sup> day of January, 2002, at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: I would like to call to order the Board of Commissioners meeting for January 28<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; Tammy McKinney, Superintendents; Phil Hayes, County Attorney; David Mosby, County Commissioner; Richard Mourdock, County Commissioner; Suzanne Crouch, County Auditor and Madelyn Grayson, Recording Secretary, and I'm Catherine Fanello. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the minutes from January 14<sup>th</sup>?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered. And if we could move item F and G up to the front of the agenda, would that be okay?

Commissioner Mosby: Madam President, before we do that, I would like to put Joe Harrison on for just a second so that we can talk about the skywalk agreement that they have to have an okay before tomorrow's meeting with the Building Authority, which won't take but a couple of minutes. Then, I would also move to go ahead and put F and G up under A so we can get that out of the way.

Philip Hayes: And if we could do this—

Commissioner Mourdock: Just as a reminder, let's not forget, we did have an Executive Session last Tuesday, so we also need to do our summary minutes, in fact, I'll make a motion now that we accept summary minutes from our meeting last Tuesday, from the Executive Session. Present were the three Commissioners, plus Counselor Hayes and Mr. Harrison and the meeting lasted approximately one hour and 30 minutes, began at 9:30—

Commissioner Mosby: 9:30.

Commissioner Mourdock: —and dealt solely with pending litigation against the county.

Commissioner Mosby: I would second that.

President Fanello: So ordered.

Philip Hayes: Sealed bid that–

President Fanello: And, Mr. Harrison.

Commissioner Mosby: Oh, okay.

**Joe Harrison, Jr: Executive Inn Skywalk Agreement**

Joe Harrison, Jr.: Thank you very much. Joe Harrison, Jr. Appreciate you moving us up on the agenda. I am here on behalf of the Evansville-Vanderburgh County Building Authority, and they have been asked to enter into a Skywalk Agreement with the Evansville Executive Hotel. They are here by their representative, Joe Vezzoso, and by Edward Johnson, their attorney. The county has also, should also be a party to this agreement which will enable the skywalk that has been proposed to be constructed, used and maintained in the future. This agreement will enable the construction to begin, and will, for the most part, grant the authority with the Executive Hotel to handle the unlocking and locking of the door to the skywalk. They will be solely responsible for the construction, maintenance and operation of the skywalk. They will be solely responsible for insurance with respect to the skywalk. They will be responsible for holding, not only the Building Authority, but the county harmless and indemnify and defend the county should anything ever happen with respect to that skywalk in the future. There is also a provision in there that may enable the skywalk to be deeded over to either the Building Authority or the county, and at that point lease back to them for a rental price, but if that happens, they will still be solely responsible for the maintenance, operation and use of the facility, and continue to hold the Building Authority and county harmless and indemnify and defend the county or Building Authority should anything happen with respect to that structure in the future. The county, as you know, has a leasehold interest in the facility, and after the bonds are paid off, the county will own the Centre. That is why we are here to have the county also approve this agreement, because, at some point in the near future, I can't remember whether it's 20 years, but that facility will go to the county after the bonds are paid off. Mr. Johnson may have a question or two, but this will after, if you all execute this agreement, it will then be considered by the Building Authority at their meeting tomorrow, and then will be signed by the Evansville Executive Hotel, and they can then begin construction. There are other issues regarding that matter, and that has nothing to do with this agreement. This is solely the maintenance, use, construction and who's responsible for what, with respect to that structure. If you have any questions, I would be glad to answer them.

President Fanello: Do you have any questions?

Commissioner Mourdock: The only question I have, I think then this resolves all the issues that this board discussed, what, two weeks ago today regarding the county–

Commissioner Mosby: No this has nothing to do with the payment.

Commissioner Mourdock: Well, that's why I was asking. If you were, so you're not..this is not going to...this is not going to resolve the concerns you had regarding the payment?

Commissioner Mosby: No. We're going to address that next week. That's going to be on next Monday's agenda. What we're addressing back then was the building of the skywalk and them having a construction outfit on board, and I believe that they have signed an agreement with a local construction company to build the skywalk. So, that's going to be on our agenda next week for, and then we will make payment on the offer that we made back to the Executive earlier in the year.

Joe Harrison, Jr.: This merely enables them to get to that next step. Because, without this agreement, they can't get to that next step.

Philip Hayes: There is one blank that is on the document...this is strictly relative to that-

Joe Harrison, Jr.: I ended up filling that in, Mr. Hayes.

Philip Hayes: On the front page. It has been?

Joe Harrison, Jr.: Yeah.

Philip Hayes: Okay. Good. This message just came across then, it had to do with the minimum height requirement being 15' from the street level. So, that's been taken care of?

Joe Harrison, Jr.: Yes.

Philip Hayes: Alright. Very good.

Commissioner Mourdock: I'll move agreement, approval of the agreement then as submitted.

Commissioner Mosby: Second.

President Fanello: So ordered.

Joe Harrison, Jr.: Thank you very much. You all do have an original and several copies with you, and I have an extra original that I can have the Building Authority sign, but I would like to get maybe the Executive Hotel to sign both those, if possible.

Philip Hayes: Have those been signed?

Joe Harrison, Jr.: I don't know. It can be down the road.

Philip Hayes: They will be placed in our signature file in the usual procedure, and then signed tonight, and then available in the morning from the Auditor's office, from Madelyn.

Joe Harrison, Jr.: Okay, thank you very much. Thanks for taking it out of order.

Commissioner Mosby: Thank you. You're welcome. Thank you.

Commissioner Mosby: Also, before we hear the jail proposals, I would like to make a motion, it's not on the agenda, but we had one bid come in for title searches for Suzanne, so I would like to make the motion to have the counselor open this, give it to the Auditor and take it under advisement until next week.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**21<sup>st</sup> Century Corrections Corporation: Jail Proposal**  
**Ken English/ Ed Hafer**

President Fanello: Now we will proceed with Ed Hafer, jail proposal, but we have Ken English.

Ken English: I'm Ken English with 21<sup>st</sup> Century Corrections Corporation, and I want to introduce Ed Hafer and Alan Braun who will make our presentation.

Ed Hafer: Thank you. Over the past several months there have been several meetings, discussions, newspaper commentaries, the like, relative to the various proposals for the jail project. Mr. English's company, corporation, 21<sup>st</sup> Century Corrections Corporation, has assembled a proposal that we are going to present to you tonight that we believe it presents multiple options to the county with respect to capacity of the project, site selection, as well as cost for your consideration. It's based on prior studies that have been done by previous Commissions. It's based upon meetings that we have had with the affected parties, as you might say, the Sheriff and others, both recently as well as recent meetings. Input from our team, which includes our firm, as well as Jacobs Facilities and Industrial Contractors. Jacobs Facilities as construction, as corrections specialists. I think the best way to explain this project and this proposal, is to first go through what we refer to as really the benchmark project. The benchmark project provides for 512 jail housing units, 224 community corrections units, and 24 juvenile units. The, and the support facilities for all of those numbers. The support facilities which are intake facilities, medical facilities, service facilities, which is food service, laundry, equipment and the like, for a jail that could be substantially larger than 512 units. So that in the future, if additional housing units are added they can be accommodated without construction of additional food service and the like. This does not require a significant amount of square footage. Most of that can be done with staffing and shifts for meals and things like this. So, it's not something that we're paying or building a lot of high-end, front end space. So, the L shaped space that you see there from starting at the right, if you will, the sally port, moving right in there...the sally port, which is the drop off space for detainees, prisoners, the like, through the intake space, which is, again, intake, booking, drunk tanks, video, arraignment facilities, a medical facility and then turning the other way, food service, laundry and the like. That's part of the basic component. Within the front of that is public area, which would be accessed by the general public, jail administration and the like. The units, and you'll see eight of them there, four to the left and four to the top. Each unit is a nominal 64 bed unit. Those numbers can shuffle slightly, depending upon the mixes of single bed units, to multiple bed units, six or eight person dormitories. Each of those units is based on direct supervision, 64 beds. 64 beds being the maximum relative to supervision requirements and the like. So, we build four of those units as a part of the basic proposal to the left, and four to the top. A total of eight units, 512 inmates. That in and of itself would be a jail. It would be totally self-sufficient.

Everything necessary for the jail is within that project. To the bottom you see a community corrections facility. Community corrections facility, as I say, has 224 dormitory units and the necessary administrative and program spaces. The reason that that is separated from the rest, is that we would anticipate that being an entirely different type of construction. Far more economical than hard core jail construction and the like. It can also as part of the flexibility that's built into it, that can be a separate phase, if in fact community corrections is or is not part of the facility. Then off to the right is the third component which is the juvenile facility, which shares the main sally port that would be built as a part of the jail. It's own intake and administrative area and housing for 24 juveniles in the wing that you see there. The site itself, public parking off of a main road, and this is a hypothetical site to be determined, and the actual layout of the expansion and the like could vary depending upon the configuration of the site, but anyway, public parking there. Toward the left is staff parking, which also is the service entrance for incoming food and the like, as well as outgoing trash and these sorts of things. Then you see a loop row that goes around with access to the sally port that off of that would provide parking for sheriff's deputies, jail administration and the officials associated with the juvenile facility. Within the proposal that is being made as a part of this site is our facilities only for jail administration. You also see there another wing of the building adjacent to the main entrance which could house a full fledged sheriff's office, as well as even potentially space for courts. The parking that I indicated is roughly 350 cars to take care of this space. So, when it's all said and done, there would be a facility with 512 jail beds, 224 corrections beds, 24 juvenile beds, a total of 760, 350 cars, approximately 193,000 square feet of space. Utilizing the very same program and looking toward downtown and the Civic Center, a second proposal has been developed as part of our presentation. This is a new downtown jail on the site of the Civic Center parking lot. You can see the convention center at the top of the sheet, and Locust Street right below that. As Locust Street would continue in to the Civic Center parking lot, that intersection between what's there is a drive in the parking lot and Ninth Street. That's the corner in which we are anticipating the new jail building would be built. This building is to be built under the exact same program that I described as part of the benchmark site, would have on it's first floor all the support facilities for the jail, the kitchen, the intake, the medical, administration and the like. The second floor would be the juvenile facility. Third floor would be community corrections. Fourth and fifth floors would be jail. As I said, it's the same building program, but it is stacked vertically. So, we have a building that really approaches seven stories, because those two jail floors would actually have a floor plus a mezzanine. Sally port is there at the bottom to provide access into the jail. We haven't shown a connection back to the courts building, a bridge, the like could be constructed to provide overhead connection to the courts building. Other consideration developed usually would be to transport prisoners with a vehicle of some sort. This building when it's all said and done, would have the same building program. I would say that high rise construction will take some more space, because of stairs, elevators, additional lobbies, and the like, so we are anticipating that from a square foot standpoint, this building would be approximately 10% larger than the one on the open, flat, essentially single story site. Briefly, to run through the plans, in interest of time, you can see the first floor plan here, again, the (Inaudible) is slightly different, but the eight jail pods there, the L shape with the intake services and the like, community corrections off to the left, juvenile down to the bottom. Then as I mentioned, in this facility there would be a mezzanine above the cell blocks, and a potential second floor for the jail. A typical cell block here, that you can see on the...down, the next one, up. Again, direct supervision, which means that there will be a person stationed within the middle of the large day room here that will supervise everything. The trapezoidal shaped room that you see up there is actually outdoor

recreation space rooms around the perimeter on both floors. One of the interesting things on this, on the mezzanine level is actually where visitation would occur. Visitors to the jail would, or inmates would actually be brought into the facility to the second floor, the prisoners would never leave the cell block. For those of you who may have visited the facility in Lexington, Kentucky, diagrammatically this is Lexington. It's not pie shaped, those sorts of things, but the type of supervision, the number of basic units and the like is the same. So, and we would use that same cell block in either one. The downtown site, to go through it quickly, again, Alan I'm out of order there, but that third floor, that's the community corrections floor, ground floor, I'm sorry, again a main entrance at the corner of Ninth and the Civic Center parking lot. The sally port down at this side, intake, food service and the like in the back, administration, jail at the top. The second floor is the juvenile facility, as I mentioned, as well as the administrative space for community corrections that you see up there. Then the fourth floor is the community corrections floor. The fifth and sixth are open floors for jail cells. Now, again, that one will have approximately 10% more area than the Civic Center side. When we talk about options, if you look at this board, I can kind of walk over here, this is that basic jail support area that we talked about. The project—

Commissioner Mourdock: Excuse me. Alan if you would, or Ed would you walk over with the mike? Because we're trying to get it all on tape. Our mike won't pick you up otherwise.

Ed Hafer: The units build up to here, with in the case of the basic project, the eight units, to the point that a single five or 760, 512 bed jail would look something akin to this. When we add the community corrections here, this square footage we get the red plus the green, the jail, we get to this. Then with respect to expansion, as I mentioned, we can expand this way, or we could expand this way with individual jail pods. We can expand the juvenile in this way, or that way. We can add additional wings here for community corrections, as need be, and as I said, the sheriff's office and the court facility are also not in the basic project. Each of these 64 units are to build a pair of units 128 units, of jail space. Each of the expansion that you see, as far as the modules, and there are four there in the grey space for community corrections, each of those would have 56 units. The juvenile is not built really on a modular system. So, within that, there are a whole series of options, depending upon whether you build certain types of facilities, or you don't build certain types of facilities, and then, of course, how many you build. I think Alan now, you have a spreadsheet or a sheet in the back of the pass out that shows however many A through K is as far as options.

Alan Braun: I'm Alan Braun with Industrial Contractors. I would just like to go through the cost, and I might add that down at the bottom there where it says financing is included. It's really construction financing that's included. So, basically, we're talking these whole prices include everything but land cost, and construction financing is included. We could start with the, I would say, what Ed was saying is the full jail, 512 jail, under your thing, that would be option G, with 512 jail beds, 224 community construct, community corrections, and 24 juvenile. And that would be \$44,808,000. Now, you know, we wanted to know, basically, what can you get for around \$35 million. At \$35,051,000 we get 512 jail beds. The entire jail that we have. Now off of that I've got a lot options. Like if we got 384 beds, and that would just be taking off, the best increment to take off is 128, or 64 to 128, as you can see by the pods, and that's why we did it that way. You know, it's set up modularly, and it's in 64 cells, so we did an option for 384 jail beds, for 448 with no juvenile, 448 beds with 224 juvenile, rather 224 community correction. 448 with 224 community

correction and 24 juvenile. Then the 512 jail beds with 224 community. The full thing there with 512 jail beds, 224 community and 24 juvenile. All the way up to 640 beds, with 280 community corrections and 24 juvenile, which is \$51,172,000, including all construction financing, no land cost. You know, this way the jail is constructed, as Ed said, we recommend, our recommendation is to go to a green field site, just because of the cost. A high rise jail, in our opinion, would be 15% to 20% more. Everyone says operationally, you know, if you build it next to the existing jail, it will help in one thing, with taking prisoners back and forth. I think we had 50 trials last year. You know, otherwise, operationally, the single floor is much better. I just, I guess, I just refer to it how would your operation be at your house if you had a seven story house or a one story house? Moving food, anything that you do, when you don't have to go to the elevator to move food, move supplies, to move prisoners, I think you are much better off. You know, the visitors can all go to, the way it's set up, the visitors can all go to the jail cells. I think, to the areas. I think, operationally, it works very well. We would just recommend that, you know, we don't prefer any site, we just said it takes, it will take at least eight to ten acres, probably 20 would be preferable, just to get a buffer zone, but it's dependant upon where you put it. We do feel like operational, the preferred jail would be the one on a green field site. Anything you want to add to that?

Ed Hafer: Yeah, I didn't, I neglected to really talk about some of the issues relative to the downtown site, but, you know, I mentioned that under the green field site we would build the community corrections facility in a more economical manner, in terms of type of construction. Once we fold that into a high rise building, you know, we're committed to what's known in the trade as Type I construction, just because of fire codes, things like that. So, that will go up. The downtown site, as I did mention, will take more square footage. Building to a downtown site, unless land is just, you know, of no concern, which I think it is in the case of that, really it is the flexibility of the project down the road. I mean, with this one, you know, we can come back later, or you can come back later and add more jail units and things like that. Much harder to do locked into a high rise solution. There are some ways, like Lexington, where they actually built community corrections facilities, which later could be converted into full jail cells, but they paid the price for that and it's a fairly significant one. I think there is, there are also social issues with putting a community corrections facility in downtown, and there are a lot of logistic issues in terms of if you use the Civic Center site, so.

Alan Braun: I guess, just to wrap up, we would just like to really thank the Commissioners for giving us the time tonight, and I would like to thank all the Councilmembers we met with for their time, and the Sheriff, for your time. We appreciate it very much, and appreciate the opportunity to give you this proposal.

President Fanello: Do we have any questions?

Ed Hafer: We would be happy to answer questions.

President Fanello: I was going to say, stick around for questions.

Commissioner Mourdock: Yeah, I have a bunch, and these are in no particular order, I guess, but the idea that going up costs more, kind of goes against, it seems to me, most preconceived notions of construction. Generally, as you go up, that floor space is considered somewhat cheaper. Do you want to address why in this case that's not accurate?

Alan Braun: I think in this particular case that we end up, as Ed stated, that you end up, if you put community corrections in there, you're putting what could be a lower priced, you know, I think community corrections can just be a big dorm. If you put it in here in this particular setting, you are going to end up with a lot more expensive construction. It takes the site that we are using here, that might be the case if you are putting, I don't necessarily agree with, number one that it's cheaper to go up. I think, in some instances it is, but in most it's not.

Commissioner Mourdock: That's my preconceived notion, and I'm not saying that's right. Tell me why I'm wrong.

Alan Braun: I was going to say—

Commissioner Mourdock: Tell me why I'm wrong, Alan. What is it that's going—

Alan Braun: Well, it's just your circulation, your elevators, your, you know, I mean, anything down the line. As a rule, sometimes that's true, but most high rise office buildings cost you more than when you go out in the suburbs and build a single floor.

Commissioner Mourdock: Okay. As you looked at the jail component of this, and defining your units of, what was it 56?

Alan Braun: 64.

Commissioner Mourdock: 64, okay. Are all 64 maximum security? I mean, in this plan is there any set aside pods for maximum security, and others for minimum security? Or are they all the same? Is there any differentiation in what you did with those?

Alan Braun: Yes.

Ed Hafer: Each pod can house 64 people, two people per cell. Two beds per cell. So, the game that you play is that if you need a certain number of single maximum security in there, you make the rest of them dormitory, or a corresponding number dormitory type cells in that wing. So, you are still at 64, it's just that the mix changes. Rather than having, you know, 64 or 32 doubles, you might have, I'll get the math wrong here, but, you know, 12 singles and, you know, 54 or you know, a combination there. You want to total up as close to 64 as you can to maximize staff efficiencies.

Alan Braun: One other item, if you happen to look at downtown, also is of course parking, and where it's going to go and how much parking you are going to take and what's that going to do, and if these projects go at the same time, you know, you'll probably catch yourself in a situation where you already do need a parking garage, but you'll need one for sure. Then make sure how they're...you'd have to get the parking garage done, basically, before you started the jail, because you are going to take up an awful lot of space. It may even delay the jail some. I think that is another consideration.

Commissioner Mourdock: I should have said at the outset and didn't, I want to thank the three of you for starting this discussion here, and especially for taking the time. I know you've met with all of the Commissioners individually, and met with all the Council folks, or almost all the Council folks, and I think that is a key part in what we need to do here, is just keep that kind of discussion going on. I appreciate you doing

that, and I know it took a lot of time. Last question I'll have here is, when you look at your option, that is the \$35 million option, option E, the 512 jail beds, is there anyway if you did only that option, that the back 40 or the courts parking lot or something close to hand becomes more desirable? In other words, if you only do that, does your idea of having a green field spot become less important? Do you understand the question? Want me to try it one more time?

Alan Braun: I guess...no, I understand.

Commissioner Mourdock: Okay.

Alan Braun: Number one, you have to realize that it's probably not a \$35 million project anymore.

Commissioner Mourdock: Because you are going to have to go up.

Alan Braun: Because you are going to have to go up. Personally, you know, we can do it. You know, we're willing to build it wherever you all want it. There's no doubt about it. We just give you what we recommend. The other thing is when you go for expansion, you know, what we've got here, as you can see, is very expandable. If you are going to go high rise, and you want to expand, and you decide 512 jail beds isn't enough sometime in the future, it goes on top. Then we all know how much more it costs. So, you know, I mean, you have to realize that personally, you know, it can work. We're not saying that at all.

Commissioner Mourdock: It only takes money, right?

Alan Braun: That's right. You know, we knew that that was, you know, one of the things that's been the hold up, and that's why we tried to do what we thought was the optimum one.

Commissioner Mourdock: Yeah, I appreciate that.

President Fanello: Any questions? I just have a couple of questions. I'll try to make them as brief as possible. On the cost scenarios, I guess, I would like to know, we have a total cost here, but what's the county's payment going to be, or how? I know before, and there was talk in the newspaper this morning that you were going to charge \$17 a day per bed, then I heard that that wasn't the case. So, what is our payment annually? In order for us to compare costs.

Ken English: We probably can't give that right now. I mean, if we give it to you today, it might not be the same if interest rates move or something like that. Also, do you want it for 15 years, 20 years, 25 years? Those are things that we have to look at before we can really, but basically we're looking at your total number. So, you can extrapolate that out.

Commissioner Mourdock: Just to follow up with that, because I think that is a key point, and I understand there can't be any real definite terms until there is some serious negotiation, but I presume if a contract was entered into, there could be some early buy out provisions? In other words, if for whatever reason the county was suddenly flush with money and wanted to take the thing over quickly, that that's something that could be included in the terms of the lease?

Ken English: Yes. Yeah, we would work with that, sure.

President Fanello: I just have one question, probably, Mr. Shively could answer this question. If he would like to, since he's the, he is your legal part of the—

Les Shively: (Inaudible. Not at mike.)

President Fanello: Well, come up here and I'll see if you know the answer. If we were to consider, consider a private agreement...I've been reading, been trying to read up on the material and everything, and I understand there is an article to the State Code, Article 23 under Title V that deals with privatization.

Les Shively: (Inaudible.) When operating (Inaudible).

President Fanello: How does that fit in? It requires that if you are going to consider a private agreement that you go out for Request for Proposals. So, what's your interpretation?

Les Shively: You have two ways to go. If you have a true sale and lease/back arrangement, which is the material that I think I faxed you towards the end of the week, it's simply a turn key type operation. That is providing that there is, at the end of the lease, it's one dollar, then basically it's just a sale, it's a true sale and lease/back arrangement. You don't have to go through that. The provisions that you talk about joint operating BOT's. They are a little bit different, because they cover a plethora of different kinds of situations. Everything from golf courses to managing airports, what have you. It's a little, it's more of a hybrid type situation. Both of them are viable, it all depends on how you structure the deal. But even if you go with a BOT, yes, you can do, it requires you do an RFP, but it's not, it's totally different from a public bidding situation, where you are under the public bid laws. You do an RFP, but the statute particularly says that all proposals, responses are kept confidential, and all you have to do is do an RFP, and at a public hearing, award that contract or enter into that agreement at a public meeting. It's still a totally different concept from the public bid laws when you do a conventional bond issue, construction contract, what have you, but you have either option to go. A lot of that, I think, depends upon what you do on the situation. They've talked about a green area, or a site away from downtown, a lot of that would depend, would probably lean more favorable to doing a straight simple sale and lease/back arrangement. Did that answer your question?

President Fanello: Yes.

Les Shively: (Inaudible. Not at mike.)

President Fanello: That's my question, because—

Les Shively: I only sent you material on the sale and lease/back, you apparently had already read about the—

President Fanello: Well, I had a book about construction contracting for public entities, and I was going through it and it was talking about public/private agreements. So, it was confusing as to whether or not this would call for a Request for Proposal.

Les Shively: That's very understandable. We were looking at this several months ago. I've talked to competitive community, competitive governmental contractors, which is a group of former of City of Indianapolis DMD type people that formed a company that assists local governments in doing public/private arrangements, and

I posed the same question, I said, which set of statutes are we under? They didn't know the answer either. They work with it all the time. It all depends on how you structure your deal. To me, if it's more of a truly sale and lease/back of a turn key operation, then you're under the lease statutes. If it's not, if it's something different, if it's a hybrid, then you would be under the other statutes, but both of them are viable.

President Fanello: Okay, thank you. Thank you. Then my other question, I don't remember, excuse me, if I asked this question before, but the only example of another private agreement I could find in the state of Indiana was one in Marion County where an annex was being run by an actual private corporation. Are you aware of any examples of the kind of situation that we are talking about here?

Unidentified: No.

President Fanello: Well, because the newspaper kind of confused me because they had an editorial a couple of weeks ago, or a week or so ago that said that, you know, privatization had been done in Indiana, but yet I could only find one example. So, I was a little confused by that.

Commissioner Mourdock: The annex you're referring to, is that the community corrections facility in Indianapolis?

President Fanello: This is a 700 bed annex in Marion County.

Commissioner Mourdock: Okay, that's it. It's a community corrections facility they are doing, and, basically, and I forget the name of the corporation—

President Fanello: CCA.

Commissioner Mourdock: Yeah, okay. Community Corrections or Criminal, whatever.

President Fanello: Whatever it is.

Commissioner Mourdock: They came in and bought the building and then remodeled it.

President Fanello: I was just trying to find if there were any...yes?

Brad Ellsworth: It is a jail.

President Fanello: It is a jail?

Brad Ellsworth: (Inaudible. Not at mike.)

President Fanello: Okay.

Commissioner Mourdock: Okay, but it's not a jail in the sense that we think of the iron bars. It's more of a big drunk tank.

Brad Ellsworth: No, they retro, no, they retrofitted a whole warehouse with secure cells inside. The retrofitted (Inaudible. Not at mike.)

President Fanello: I was going to say, DOC was using 300 or 400 of those beds, was the word that I got. I don't know if you know anything about that.

Brad Ellsworth: It's overcrowded too.

Commissioner Mourdock: Yeah, that's the one where the Sheriff, for a while, was being ordered to pick who he wanted to release because of over crowdedness.

Brad Ellsworth: (Inaudible. Not at mike.)

President Fanello: So we would be setting somewhat of a precedent, so we would have to approach it very carefully, I think.

Commissioner Mourdock: It would be nice to be on the cutting edge, though.

President Fanello: If it came out good, yeah.

Commissioner Mourdock: True.

President Fanello: Thank you, gentlemen.

Troy Tornatta: Troy Tornatta, County Council. You guys said you were going to come up with some type of price structure per year on a lease/back, is that anywhere in the works? That was something that we requested in our meeting. I didn't know if that was given out.

Commissioner Mourdock: I don't think they can do that—

President Fanello: That was my question earlier.

Commissioner Mourdock: —without specifics from us. Until we tell them exactly what it is we'd be looking for—

Troy Tornatta: You've already told them what you are looking for.

Commissioner Mourdock: No, we haven't. I mean, that's why they gave us A through K as options.

Troy Tornatta: What about the 650 expandable to 1,000, the 330 community corrections, the 24 juvenile detention beds? Was that not stated, voted on and approved?

Commissioner Mourdock: It was not given to them as an instruction. They've done this on their own. They based this based on whatever they design to be the reasonable number of units, or number of people in any given pod with the 64 and such. I mean, we did not direct them to do any of this.

Troy Tornatta: What was the vote taken for at this Commission on what the county needs? Isn't that what we're after, what the county needs?

Commissioner Mourdock: Yes, we are after what the county needs and what the county can afford.

Troy Tornatta: I'm not pointing this at you, I'm just saying—

Commissioner Mourdock: Go ahead and point at me.

Troy Tornatta: –under these auspices, we’re trying to figure out exactly what the county needs. We voted on what the county needs. I say we, the Commission has voted on what the county needs, and passed what those numbers should be set. Are we going against that now? I guess, if that’s the case then we are kind of getting off base is what I’m–

Commissioner Mourdock: On that we would agree, Troy, because as I spoke to Mr. Hafer and Mr. English today, my comment is I think we have, somewhat, lost focus, in the sense, and by this when I say we, I include myself here, in that we started this project some time ago based on the 1979 court case dealing with jail overcrowding. Then it suddenly started to include community corrections. Then it includes juvenile, and two weeks ago, at this meeting, we had a brief discussion on if, in fact, the County Council stays at \$35 million, what is it we can do? At least two of us, at that point, were saying well maybe community corrections cannot be included based on the budgetary numbers we’re looking at. So, I think your comment about the 650 and 300 and 24, yes, it was voted on at this Commission, but, I think, it has to be seen as somewhat fluid–

Troy Tornatta: Right, but–

Commissioner Mourdock: –because the budget isn’t going to be there for that.

Troy Tornatta: –in the United, let’s bring them up because they are the majority vote for the architect. In their proposal, we had an idea of what the yearly totals, or some type of frame on what a yearly payment would be. I guess, to me, being of the fiscal body, I would like to know what kind of number we are looking at before I can feel comfortable with any proposal. I mean, this is...so, they’ve got A, B, C through G, whatever they’ve got, I don’t have the document in front of me, how do we know what those boil down to? That’s, I guess, what I’d like to hear out of this, and what I was trying to, what I was talking to you guys about bringing in. I have, I mean, I’m not pinned to anything, but I have to have the fiscal numbers in order to make a decision.

Commissioner Mosby: I’ll try to answer your question. I guess, when I met with them, that’s exactly what I told them. 650, 300 and 24. I told them that was what was voted on here. Probably as close as you are going to get would be 640, 280 and 24. So, we’re going to be ten beds off on the jail, 20 beds off on the community corrections, and we need to put a number behind that \$52 million figure, or \$51,172,000. I guess, depending on if we build it on the back 40 like we’re talking at, we can add 20% to the \$51 million and try to come up with a cost from there to compare to our cost.

Troy Tornatta: Right, but, I guess, I’m saying I don’t want to speculate their costs.

Commissioner Mosby: And really, I mean, it’s going to be tough to do, because they are saying, deciding on when financing is due, and I don’t know when they are going to finance it. So, I mean, it’s going to be tough for us to figure their interest rate in and figure a payment, because, I mean, all of a sudden we are figuring \$51 million, plus 20%, plus whatever their cost might be, so you are probably close to \$55-\$60 million.

Troy Tornatta: I’m not–

Commissioner Mosby: (Inaudible. Talking over each other.)

Troy Tornatta: –that’s my question I pose to you.

Alan Braun: I’m not sure that United’s proposal is built on the back 40.

Commissioner Mosby: That’s where we told them to look at.

Alan Braun: Well, I know, but I mean I’m not sure that’s where their price is. Anyway, from there, we can price it, and you know, we gave a per bed price. Per bed price changes depending on the mix. You know, if you’re talking community corrections, if you’re talking straight jail, or if you’re talking juvenile, community corrections and jail. That’s why we didn’t give a price. We didn’t give a price on financing cost change, although when I say financing costs may vary, you know, yours is going to vary too–

Commissioner Mosby: Right.

Alan Braun: –depending on when you do. That’s all we’re trying to say. This merely has construction financing. What I’m saying is, we can’t, if you tell us what, we can very easily tell you what it will cost at a specific date, if we know which one’s you want priced. I just gave this to you, you know, we tried to give you about every option we could give you, and say what do we really want. If we do that, we have no problem pricing it at all. Mr. English doesn’t. I mean, he’s got the financing lined up, you know, at Fifth Third, you know, he’s got it lined up, so I don’t think it would be any problem.

Commissioner Mosby: You know, I understand that, and I guess when I met with you and I said I wanted to try and compare apples to apples, but you know, still I sit here and look at option K at 640, 280 and 24, and I really don’t know what that encompasses. I mean, I can look at United’s proposal that we had that we presented to the Council, same as the Council looked at it and said, oh, I didn’t know you was moving the command center, you know, I didn’t know you was moving administrative. You know, and that’s what our proposal consists of. I still don’t know what yours consists of. I mean, I don’t know what you’ve allowed for. I don’t know what you want me to compare. I mean if I’m going to compare something, it’s got to be apples to apples. So, I mean, basically, I guess I could show you our four options and everything that was included in them, but I need you to show me your options, and make sure that you have the same amount of square footage, and you have the same amount of administrative, and the same amount of laundry room and kitchen and medical, and the whole nine yards. I mean, to look at option K and say I’m going to compare that really doesn’t give me anything to compare. I mean–

Unidentified: (Inaudible. Not at mike.)

Jim Raben: Councilman James Raben. Pardon me for stepping in, but I would like to comment on a comment made by Commissioner Mosby on, in terms of your proposal. I think it’s only fair to state that the proposal that you’re referring to came with a price tag of about \$400,000. So, I don’t know what your fee has been to date, or their fee, but what is it?

Unidentified: We’d be happy to bill you.

Jim Raben: Well, I mean, let’s be very fair.

President Fanello: Well, with all—

Jim Raben: I mean, \$400,000 we should have a clear definition.

President Fanello: –with, with, with—

Commissioner Mosby: With the \$400,000 I have a clear definition of mine, I don't of theirs.

President Fanello: With all due respect—

Commissioner Mosby: I'm just saying, that's going to be in the total cost of our project, and we all knew going up front that we had...we wouldn't have anything to compare against if we didn't hire somebody to do it. I mean, I don't know if you were willing to go out and sell this city and county for nothing, and not have anything to compare on, but if you were willing to do it, it's poor, that's poor-

Jim Raben: I don't know that either of the two groups would probably like to take that \$400,000 proposal, and you could probably bid from it, could you not? I mean, if you want apples to apples.

Commissioner Mosby: This is not a bidding war, Councilman.

Jim Raben: No, but I mean, I want to be fair—

Commissioner Mosby: I'm sorry, but—

Jim Raben: –to these gentleman that have taken their time and have not, and have done this, basically, free gratas to the county. I want to be very fair with them, and your point was not true when you stated, or I guess it was true, but it wasn't fair, because their was a deal associated with that information—

President Fanello: Let me interject there for a moment. We have a 265 page Building Program, Sheriff? Is that about how many? And how many months have you worked on that?

Brad Ellsworth: Five or six.

President Fanello: Okay, with all due respect, and I appreciate everything that they have brought, they've done, you know, a lot of work here, but there is probably a lot more work that they would need to do—

Jim Raben: Right.

President Fanello: –which I'm sure, you know—

Jim Raben: If they had the same opportunity, I'm sure they could be a whole lot more elaborate with their proposal—

President Fanello: But we do have a 265 page Building Program that's been drafted. Would it be possible for these people to take that Building Program and—

Jim Raben: You know, I'll leave that to them, but I did want to hit on something else that Troy had mentioned. Troy, they had stated that part of the reason why, and I'm

sure you'll here it again with the next proposal, again, it has a lot to do with the interest rates and what have you. We haven't said whether we want a 15 year, 20 year, 25 year lease or bonds, you know, all that has to be considered before they can give you a total figure. Again, any figures that were given to us last week, if I'm not mistaken, there was a bill associated with those figures, with those calculations. Was there not?

President Fanello: What figures last week?

Jim Raben: From our, our meeting from the 30<sup>th</sup>. When bond counsel was here.

President Fanello: Our Commission hired them.

Jim Raben: Okay, but I mean there was a fee associated with obtaining those numbers. So, again, let's be fair to the people that are—

President Fanello: Well, I think we understand—

Jim Raben: —here asking for an opportunity.

President Fanello: I think we understand what you're saying. We're just saying what we need, or what we feel we need to be able to compare.

Commissioner Mourdock: I don't know that Mr. Kinkel is going to come forward and give exactly the same type of information, but certainly we could provide to both of these gentleman, or both of these groups and anyone else who wants to offer us some type of privatization option, the same general terms and conditions that Crowe Chizek included in what they did with their annual projections. In other words, what's the term? Is it going to be 20 years or 25 years? What's the interest rate? We can lay out all those things, and I suspect these folks would be more than willing to get back to us given those terms and give us some estimated costs or actual costs, not estimated, actual costs and what it would be.

Alan Braun: We'd be more than happy...I think what you have to realize, and, David, we did listen to you when you said you wanted 650, but the reason we used 640—

Commissioner Mosby: And that's fine.

Alan Braun: —you know why, it's because the multiple what one, really, jailer can watch is 64. You know, that's the maximum, so we tried to maximize operationally, and that's why the pods are set up that way. That's all we tried to do with our design. I know it didn't work out exactly the same, but we tried to get very close.

Commissioner Mosby: And United has said that too, that it doesn't always work out to the number you say. We just round it. Like I say, this is close enough that I was telling Councilman Tornatta, we can compare that. I mean, it's only 30 beds off, the whole total. So, that's not a problem, because United has said the same thing. It's not that you will always get 322 if that's what you want. You might get 328 or 320. That's not a problem.

Madelyn Grayson: Excuse me, may we change the tape please?

Commissioner Mosby: Sure.

(Tape Changed)

**J.T. Kinkle - Jail Proposal**

President Fanello: Are there any other questions? Does anyone else have any questions? Okay, thank you gentlemen, we do appreciate your time and effort.

Commissioner Mosby: We just need to keep moving.

President Fanello: We've got another proposal that they are waiting to make. Would you mind maybe after that proposal?

Unidentified: (Inaudible)

President Fanello: Is it about the proposal? Okay. J.T.?

J.T. Kinkle: Thank you. I hope that I still get fifteen minutes. Well, thank you for your invitation to make this presentation and contrary to anything you have heard by any other public or private proposal, this proposal is project specific. I think that we all know what we are talking about. We have shown it to you in numerous pictures. We are not here to compete with the previous group. We're just, we're not. This is based on a 23 year old study that came out in 1979, a Blue Ribbon Committee that my father was on. It has gone through much additional recent thought by a number of parties and there I will take you through what some of those re-thoughts have been. The basic premise is that it is based on placing a round tower, or towers, in the judges parking lot. The towers lower floors would be for administrative and supportive functions with the upper floors providing space for 48 inmates per floor. So, these floors are both flexible and modular and I will address further what I mean by the flexibility and the modularity of those floors. The floor layout uses a central direct supervision station that allows 360' visibility for the detention officer. With a spin of the chair the detention officer can directly see each cell, have full control over that cell's functions and environment. In other words, the detention center by the detention officer seated in the central core controls all of the doors, water valves, lighting, heating and cooling devices, etc., giving them complete control over everything in that area, except the personality of the inmates. Also, the cells perimeter walls provide a double containment zone, similar to a pipe in a pipe. The flexibility of the cells stems from the inherent isolation of each wedge. No cell is able to see or directly hear any other cell. This gives the administration daily flexibility to arrange the inmates from floor to floor as well as cell to cell to accommodate that day's population based upon, and here I will give a few examples, I am not a jail administrator, you might be violent and some areas and non-violent in others. Male in some areas, female in others. Pre-trial verses post-trial and any other format that the administration sees fit. So, you have 64 with six people, I'm sorry, eight per cell, or six, with the pie you can divide by six people all the way around and floor to floor. So, this gives you the flexibility for what we obviously see as a changing inmate population in Evansville, Indiana. It does not stick you with 64 people be guarded by one guard or the inverse of that, one person guarding one person due to a 64 area pod, 64 person pod. The floor to floor flexibility also permits the same flexibility as the cells but on a larger scale. So, the double containment design allows provisions for flexibility from floor to floor allowing that floor's population to move about within the floors should the administration decide that is proper usage. Now, this proposal over and above the low direct project which I will also get into later, is advantageous to the county in many other ways. You already own the land, there

won't be any blue ribbon committees needed to find a new site for a difficult to locate jail. You would not be required to incur costly zoning expense and seek approval to locate a new jail in someone else's back yard. The construction of our proposed jail would not interfere with the existing jail or its operations. The existing jail would then be renovated to another corrections based function as a minimum cost. It can be community corrections, program space for the new jail, jail storage or it could be used as space for additional beds. Since it has been shown that locating the jail in the back 40 by numerous parties is not feasible and it goes against the county or the city's master plan, I will limit my discussion to a comparison between our proposal and a proposal that requires a new site or a green field site. With any off site options the following costs must be considered. Number one, the cost of the land, in Evansville, Indiana it could be anywhere from one-half million to one and a half million or even greater. Number two, the costs, both the financial costs and the lost time costs to find land suitable to the project and to demonstrate to the neighbors that you'll affect, that is truly the necessary place to put that jail. The cost to develop a new site, well that includes sewers, roads, and possibly environmental clean up depending upon where you decide your site will be and that could run into the millions of dollars. Fourth, you have the cost to modify the existing jail to a new corrections based facility, such as temporary holding for hearings, I would consider that probably \$60 a square foot at your nearly 50,000 square feet for three plus million dollars. Or, the cost to modify the existing jail to a non corrections based usage, such as offices. I would say that might cost you \$120 a square foot or six plus million dollars. So, after you add those things together, only the dollar issues, you are looking at maybe \$10 million but you have to add to everything that you have talked about thus far. So, as you know, no public or business decision should be made without analyzing the cost versus the benefit. Our proposal, the cost is 20 million in round figures. May we use your easel? I hope that I don't break into Elvis. Okay, we had to look, I hope you can see this, we had to look at one particular set of perimeters to even talk to you about dollars. So, we decided 480 beds, as we said, we are not saying one tower, we are saying one, two, three or who knows how many towers using the judges parking lot, if you will. With private funding we estimate the construction costs at \$200 a square foot for basically \$20 million dollars. Then, providing the construction interest for almost \$1.4 million gives you a total project construction cost of \$21 million. Then if you add the architectural and engineering fees that the private funding has to pay as well, that is \$1.5 million or possibly greater at \$22.6 million. Now private developing and finding money and committing to the loan, the legal fees bond, well you wouldn't have a bond fee, you would be up to about \$24 million which gives Vanderburgh County a monthly payment of \$200,000 plus with an annual payment therefore being \$2.4 million or basically \$2.5 million dollars a year. I think it is important to think about those figures. The daily cost per bed here is \$13.95 with a monthly cost of \$424.46 and these are estimated figures. We also placed the public bond numbers there just so that you could have a comparison. Those are all based on 6.11% which I believe was the successful rate which the Library Board was able to achieve. Now, the benefits of what we have. The jail, sheriff's office and courts remain central and adjacent so the operation may continue to take, of what we see, as an inherent efficiency. No additional travel costs for inmate court visits or concern regarding the security of the travel process. Now, on the same note the inmates may continually remain in direct supervision, at the direct supervision jail as they await their trial. You wouldn't have the added responsibility of liability of deciding which detainees requires direct supervision. You have flexibility for operations with the cell to cell and floor to floor modularity. Fourth, you have flexibility for the administration. The plan may employ a one, two, three tower solution providing a great deal of administrative program space. More than 2,000 square feet for each 48 inmate floor, or in this

particular case which I am presenting tonight more than 20,000 square feet of non-inmate program space. The existing jail operations will not be affected and the transition to the annex jail would be minimal. Both the current and passed Indiana State Jail Inspectors have reviewed this concept and provided positive remarks. This proposal satisfies the first county priority of providing additional jail space and it's modular design permits the use of floors and existing jail space for other corrections based usage. Now the two objections that I see to our proposal are number one, it displaces parking spaces in the judges parking lot and would probably result in the construction of a parking garage and as we said earlier it is probably already sorely needed. Number two, the towers would obstruct the view from the offices along the judges parking lot. Now, in trying to consider what the other proposals have, their cost benefit, I look at the cost. Tens of millions of dollars more in the initial project cost. I don't think that I have heard anything less than \$35 million and then you have to add the additional costs which I earlier estimated at \$10 million dollars. So, the benefits to those plans and I think those were demonstrated earlier by the previous group, starting from scratch gives the county the ability build a county corrections campus exactly as the administration dictates to the designer. It gives you everything. The only limitations to the wishes to the administration or imposed by a) the site you ultimately choose and b) the limits on funding. So, the cons here are obviously related to the site and the funding. I think that we have all learned that at this point in the process. Estimates provided by your consultants reach beyond \$60 million dollars and those same consultants indicate that the associated costs that I just referenced are estimated, I estimated at \$10 million are not included and need to be taken into consideration by your commission. At this point, I would like to demonstrate what each \$1 million really means to Vanderburgh County. We looked and decided what one of the highest paid county employees, detention officer, what is the true cost to Vanderburgh County? I came up with a little less than \$45,000 annually. So, you know, trying to write this like a text book, I made an example. If the County Commissioners elect not to spend an additional \$20 million on the project at the estimated bond rate of 6.1%, 45.3 employees could be added to the county payroll for the life of the bond of 15 years and that is just one example. When you get out here that 113.2 employees. I think it is staggering when you think about what a million dollars really means. So, with that being said, I would find it difficult for this commission to dismiss our proposal without further investigation. Thank you for your time.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: I thought I was confused before, J.T., but now I know I am when I look at all of these numbers and all of these costs.

J.T. Kinkle: Good.

Commissioner Mourdock: You heard in the prior presentation that going up is more expensive and yet everything you have done here seems dramatically less in cost and I just. How can you explain that? How can there be such a wide variation?

J.T. Kinkle: Well, I think, I am not saying that anything said earlier is inaccurate. What we have said is that looking at the particular configuration we have and our proposal is very project specific, we are not saying we are the answer to every problem, we are saying this project, this problem. We know that it takes about 205 square feet per inmate and we are using a number of \$200 which is per square foot which is almost 20% greater than PMSI ever recommended. So, we are throwing

in a lot of extra costs, we have just figured out by annexing you can really save some money.

Commissioner Mourdock: And as you use the term annexing, you are saying in annexing with the present jail or what? How do you mean that?

J.T. Kinkle: You will be annexed, you will be on this campus, you are not going out buying a new site, having a new development, flat ground. I don't know what the other consultants are telling you dollars per square foot. I just have a good feeling that with what we have talked about, building a tower or series of towers to match something that looks like this building with the controls that we are talking about, we are estimate \$200 per square foot.

Commissioner Mourdock: And for, if you would, turn back one page on your presentation there, for what you are describing the private funding option for the total there, the third line down, if I can read it, \$21,800, no-

J.T. Kinkle: The third line down?

Commissioner Mourdock: Yeah, let's use that one.

Unknown: (Inaudible)

Commissioner Mourdock: Yeah, right.

J.T. Kinkle: You might as well pay us. Let's go down, we'll go down three lines so that you get the full picture.

Commissioner Mourdock: So, it's what \$22.6 something?

J.T. Kinkle: Yeah, \$22.6.

Commissioner Mourdock: And for that building and what that would buy us would fit on the footprint out here in the Court's parking lot?

J.T. Kinkle: That's correct.

Commissioner Mourdock: And that does include the financing costs and the 6.1%? I mean?

J.T. Kinkle: That's the only number I could, actually the private funding, we don't think we can get that cheap of money so we bumped it up a bit. On the public bond you will notice that it is less expensive and that it is \$13.14 daily cost per bed and that is because it took advantage of some of the lower loan commitment fees and we decided that the legal fees would probably be about half and it took advantage of the 6.11% that the Library was so successful in getting.

Commissioner Mourdock: And state again as you talked about the present jail with what remodeling costs would be, what are your thoughts there? How would you use that space?

J.T. Kinkle: Well, we think if you could keep it, corrections based. You don't have to go and cut window openings and you don't have to completely change the usage and that you could maybe do it as inexpensively as \$60 per square foot.

Commissioner Mourdock: And with that \$60 are you basically meeting all of the ADA requirements that otherwise would be imposed once you turn the first brick over in that project?

J.T. Kinkle: Well, we haven't, I would love to say that we have studied it in detail to that extent, obviously I can't say that.

Commissioner Mourdock: Okay.

J.T. Kinkle: But, our intention is to cover every code. We can't build without meeting every code.

Commissioner Mourdock: Sure, I understand and Brad we ran into that a couple of times and I have heard that said so often. If we get in there and do any remodeling at all then all of these ADA things would have to be included with any revision in the current jail. Do you have any idea what that would do to us in number of beds? Have we ever had anybody make a guestimate?

Brad Ellsworth: Brad Ellsworth, County Sheriff. According to the program that we have done with Paul from the State DOC, with the current square footage, with the standards that we have now, we think that it would reduce the current jail beds to about 148 and I think that was in the PMSI (inaudible). So, if we go from 268 bunks to 148 bunks in the current jail. We would have to look at kitchen, when you are increasing this many inmates, the current kitchen, but we think if you remodel the current jail as jail beds and knock a wall out or bricks whatever they said, 148 beds.

Commissioner Mourdock: Okay, thanks.

J.T. Kinkle: So, I think, to kind of jump on what Brad said, our administrative areas, that 20,000 square feet, that's 480 beds, or if we go to a third tower or increase to go up further we can increase that by 150% to 200% to take care of the kitchen, all of the problems that you have administratively, not all of the problems. Rewind that tape...some of the problems. We don't say or ever try to tell you that this solves all of the county's problems. It solves the big one, which is dollars.

Commissioner Mosby: How much total square footage did you say was in that proposal?

J.T. Kinkle: Oh, let's see.

Commissioner Mourdock: Un, 480 times 200, I guess.

J.T. Kinkle: It's 480 times 205, that's a lot harder than adding 12 to 48. Does somebody have a calculator?

President Fanello: Yeah, 480 times what?

Commissioner Mosby: Un, 98 times 400 and what did you figure, \$200 per square foot?

J.T. Kinkle: \$200 per square foot.

Commissioner Mosby: What does that come up to? Okay that is \$19,680,000 and your proposal is for what 20?

J.T. Kinkle: No, the construction costs, \$19,680,000.

Commissioner Mosby: So, you have really not figured any administrative area?

J.T. Kinkle: The total lease, the total project lease amount if \$23,989,920. That takes in development fees, loan commitment fees and the legal fees on private funding. Over here at \$22.5 it does not take care of that.

Commissioner Mosby: No, that's not what I meant. I meant, you didn't figure, you said you figured 200 square feet.

J.T. Kinkle: \$200 per square foot.

Commissioner Mosby: \$200 per square foot, but you figured 200 square feet times 480 beds. Is that what you said?

Unidentified: Two hundred five.

Commissioner Mosby: 2-0-5.

J.T. Kinkle: Two hundred and five square feet-

Commissioner Mosby: Two hundred, five square feet times 480.

J.T. Kinkle: Two hundred five square feet per inmate.

Commissioner Mourdock: Times 480 inmates.

J.T. Kinkle: Times 480 inmates for this particular example.

Commissioner Mosby: For this particular example. Okay, now where is all of the sheriff's people going to be?

J.T. Kinkle: Probably where they are now, plus the 20,000 square feet of administrative area that I just covered.

Commissioner Mourdock: So, I know what you are asking, David. That was my question there too,

Commissioner Mosby: Yeah, I mean.

Commissioner Mourdock: This 20,000 square feet for administration in there but that is otherwise included in the 205 foot average.

J.T. Kinkle: Yes, the wedge does not take the full 205 square feet per inmate. It takes about 160 square feet per inmate so you have 35% locked on for administrative areas below and that is all based on, it sounds like we are just extrapolating numbers but it is based on the circular stacked pod design that we have shown from the beginning.

Commissioner Mosby: So, your 205 square, your 205 square feet per 480 inmates is including enough room for administrative offices or whatever?

J.T. Kinkle: As I said before, never have I ever said that we are going to fix everything. .

Commissioner Mosby: That's what I am getting at here.

J.T. Kinkle: We never said that we could fix everything.

Commissioner Mosby: Right.

J.T. Kinkle: Because the problems as you know continue to come.

Commissioner Mourdock: But, it does include the 20,000 square feet of administrative space. Now, rather that or not that's enough.

J.T. Kinkle: And you can ultimately, if you decide that you want to go to 720 or any number there out, you add, you multiple our number of 20,000 square feet times 150%, that's three towers.

Commissioner Mosby: Okay, the other Commissioner is saying that this includes 20,000 square feet and I am not figuring out where that's coming from.

J.T. Kinkle: If-

Commissioner Mosby: I am hearing you talk about 205 times 480 and that's all you are basing your price on.

Commissioner Mourdock: Let me say it this way to be sure I understand it. If in fact the 20,000 square feet that you already have in this structure, if we decided that we didn't want to use that 20,000 square feet for administration we would be adding 97 more beds? That's 20,000 divided 205.

J.T. Kinkle: You have a computer to do that math. I am not going to agree with 97.5 because I can't do that math right.

Commissioner Mourdock: Right, but it is in there, David, I understand your question.

J.T. Kinkle: So, if you wanted to, the first tower could be 10,000 square feet of administrative space. The second tower, you take the 10,000 square feet that would be used for administrative space bring it down to two or how ever many more floors of beds. Everything we have given you is completely modular, completely modular. You can have, the way the ACA code, as I understand it, reads, you need separation sight and sound. With the circular pod design, double containment with a central core, you satisfy all of those ingredients. I am sure the Sheriff could either agree with me or not.

Brad Ellsworth: I didn't even hear what you were talking about.

J.T. Kinkle: Well, good, now he can't.

Brad Ellsworth: Are we talking juveniles or females?

J.T. Kinkle: No, I have never said anything about juveniles. That's something, if you decided that you wanted to use the old jail for juvenile space or for safe house, I don't know if Sheriff Ellsworth's numbers on 160 square feet or 160 people, I don't

know if that's, I am guessing that is just jail. It has never been looked at by our firm, how many safe house or community corrections beds that could result in. But, I think with the savings it would be difficult for you to say that it is not worth looking at.

President Fanello: I have one question. Are you offering private funding?

J.T. Kinkle: Correct.

President Fanello: Because I don't, Phil would have not comment on this, or if Mr. Shively is here, he could comment on it. But, as I understand the state statute, we can't have a design and go out in a public process and go out for bidding. Is that a design/build situation?

J.T. Kinkle: No, I can. I'm the developer.

President Fanello: Well, if you are private funding, yes.

J.T. Kinkle: I am the developer and if I want to bid it to the lowest contractors, I hope Industrial Contractors gets it.

President Fanello: Yes, through private funding. But, if we went with the public funding scenario where we would have to adhere to—

(Inaudible, many people talking at once)

President Fanello: I am talking about the public funding scenario.

J.T. Kinkle: The public funding, I just put it up there to show you that really we are not taking any great advantage of you with the private funding verses the public funding. If it works out better for you, we would be happy to give it.

President Fanello: That's what I was just asking you.

J.T. Kinkle: I guess we are confusing you. We are giving you a lot of options but options are how you save the county money.

President Fanello: Well, all I am trying to get straight is that if you are offering it through private funding, yes we can look at a design, as I understand the law, if you are offering it through public funding, we have a situation where it is a design/build situation where we are going against competitive bidding laws. I am just trying to make sure that he is offering private.

Phil Hayes: The legal affect of the presentation appears to be design/build, lease/back proposition. I believe it is the case.

J.T. Kinkle: Correct. We will even sell it to you for fifty cents at the end.

Phil Hayes: I understand and while you are at it, maybe you could get us some authority on what state statute we can do. Now, Mr. Shively has made some remarks concerning that and I will be more than happy to look at it but it is inconsistent so far with the information that I have concerning how the state statutes allow county governments to proceed with public funding, competitive bidding, public finance and the Title 36 was sent over, and unfortunately I didn't get a chance to discuss that much with Les, but the case law thus far that I have looked at and the

commentary indicates that the courts have consistently, in Indiana at least, not allowed. That is why Ed was accurate and perhaps Alan and said are there any examples that you know of or Kenny and they said "no" and that is why the explanation is that there are no lease/build backs done. The BOT's are build, operate and transfer back, they are the types of corrections corporations of American, whack and hut, others that are operating on that kind of a basis but for the most part, in fact, for all part, our courts have found these propositions of build/lease back to in affect skirt the public competitive bidding laws and there are no provisions that have passed mustard through the Attorney General or through the legislature that we can find. Title 36 allows short term leases and they allow some long ones.

J.T. Kinkle: I don't pretend to be an attorney.

Phil Hayes: I understand that.

President Fanello: I just wanted make that clear because we have to be very careful because I just did some reading this weekend which has confused me even more because I read law, but there has been, like Phil said, there is no case law in Indiana really goes against what we are talking here, that's my concern, so.

Commissioner Mourdock: But, you did say there is at least one precedent in Indiana which is the one in Indianapolis where they have effectively done.

President Fanello: They operate that, they did not build it and turn it over to the county, they actually operate it which is totally different.

J.T. Kinkle: I am sure, if you would like, that we would do it publicly.

President Fanello: Um, um.

J.T. Kinkle: It is just a matter of you hiring us.

Phil Hayes: You are asking for an architects contract?

J.T. Kinkle: No, I am not asking for anything. I am giving you options and I am saying an option to you is to hire our firm to go through the public process should you like. We have also shown you a private funding scenario and I don't know what the legal repercussions are. Like I said, I don't pretend to be a lawyer. It is just another option.

President Fanello: Well, let's get back on track here, are there any other questions?

Commissioner Mourdock: Well, I have one question for both of these companies but I think it is very dependent upon the last few remarks that were made and let me tell you what I was going to ask each of these companies to do and David's point before about having apples to apples is an important one and neither of these groups have come to us with any kind of estimate of what the operating costs would be which we have received some information from Crowe Chiziak and the work they did. If we are going to look at these things on a equal basis, I think it would be appropriate to have reports back from these two groups that would give us on standard footing interest rates, the time period, what the operating budgets would be and those types of things. However, the last comment or two that was made here makes me wonder if it is worth sending these good folks out to do that.

President Fanello: I am just confused, that's, I am not saying that it wouldn't be a worthwhile exercise but I am just confused on the case law that's just on the public bidding laws and that Article 23.

Commissioner Mourdock: Although, I am not a lawyer but maybe the case law is not as important as what the law allows.

President Fanello: Well, that's true.

J.T. Kinkle: So, I guess you will get back to us?

Commissioner Mourdock: That is where I am trying to go with this. Is it the opinion of this commission at this point is the question, that these two options are worth further study by these folks? I mean, I don't want to send them out the door if there is not chance that we are going to look at realistically and seriously that they come back with so maybe the appropriate way is to do this by motion but before I make the motion before I send them out to come back with those things that I mentioned a moment ago, operating budget, interest time period, etc., is there any reason why we shouldn't do that with these folks?

President Fanello: If we are going to make a comparison between private and public, I see no reason why we shouldn't have something to compare apples to apples which is where we are still not at that point, to be able to do that.

Commissioner Mourdock: Okay, David do you have any comment?

Commissioner Mosby: I just said what you said earlier, if we are going to compare apples to apples, we have to have it to compare.

Commissioner Mourdock: Okay.

Commissioner Mosby: And we don't have it to compare. I hate to found out that what we are looking at is not even legal in ramification and send them out to do that.

Commissioner Mourdock: It would seem to be me to let them make that comparison we need to provide them with some information which is the basis or was the basis for what the Crowe Chiziak operating numbers were and the general financial terms. So, I presume that we have no problem giving them that? I am not looking to giving them a 264 page report, I don't think that is appropriate.

President Fanello: I guess as far as the financial information, I really don't know what benefit that would have as far as, I mean, they need to put together their interest rates.

Commissioner Mourdock: But, again for them to look at them in the same basis they need to know what the interest rate was.

President Fanello: I see.

Commissioner Mosby: They need to know what?

Commissioner Mourdock: They need to know the same basic financial that Crowe Chiziak brought to us which is what was the interest rate, what were the terms, what

were the estimates I presume for legal fees and those types of things just so that we do have apples to apples.

President Fanello: And there was a public document handed out in the December 19 meeting.

Commissioner Mourdock: Yeah. Okay, let me do this. I will make a motion then that we present to these two groups so that they can return to us, I will let you guys choose the date

President Fanello: One week.

Commissioner Mourdock: As soon as practical, information on a private option for us and I would include in that motion that we provide with them basic financial information that we had previously received from Crowe Chiziak so that they can have a comparable, I don't want to use the word bid, a comparable-

J.T. Kinkle: Excuse me, before you make that motion, I can't speak for the other firm but I know that we are not going to go through that exercise without asking for a fee. You are talking about a terrific amount of work. What we have done so far, just shows you numbers, and it shows you numbers that I think are compelling to continue looking at how to save the county money. But, I am not, you know, my share of these taxes isn't enough to make me go do all of that work.

President Fanello: Well, then that's your choice.

Commissioner Mourdock: Yeah, I mean, it's.

President Fanello: I mean we are trying to-

J.T. Kinkle: As I said, I am not speaking for the other group, I am just speaking for my-

Unidentified: (Inaudible)

President Fanello: Are you willing to go through that exercise?

Alan Braun: Yes, we are.

Ken English: We have been on a fool's mission for a long time.

President Fanello: And you will continue on that, won't you?

Commissioner Mourdock: Let me re-word the motion this way because I think we really need to be fair with this. I would make the motion that we provide to any private party that would come forward to us because we can't just limit it to these two groups, within the next ten days the basic financial criteria which were used by Crowe Chiziak in putting together their document for us.

Ken English: I have a question.

Commissioner Mourdock: You need to come to the mike please.

Ken English: When you are talking about operation, define that a little bit. What are you talking about because we are not going to be hiring deputies to run the jail and stuff, I mean.

Commissioner Mosby: Well, I think what, and I know what I would be referring to is, what do you think it is going to staff what you are offering?

Commissioner Mourdock: And I agree.

Ken English: Well, that would just be out opinion, the Sheriff may have a totaling different opinion.

Commissioner Mosby: Well, if you've got professionals on board, they will know.

Ken English: Well, we can do that.

Commissioner Mosby: I mean.

Ken English: Did your people also have a firm price from a contractor that said he would build it for that?

President Fanello: No, we can't do.

Commissioner Mosby: We have bid it out yet.

President Fanello: So, nobody knows what the total cost of this project will be until the day the bids are opened.

Ken English: (inaudible, other comments made from audience) We will furnish those operational numbers, we can do that.

Commissioner Mosby: Well, I was going to say, a professional firm could furnish those numbers, that is what I would want to see, is what you think or what your professionals think that it would take to staff what you are designing here because your design is not the same as somebody else's.

Ken English: I understand.

Commissioner Mosby: And with Jacobs on board, they certainly have done a lot of jails, so I am sure that you do have that expertise.

Ken English: Okay.

Commissioner Mosby: Restate your motion because I might want to add something to it.

Commissioner Mourdock: Okay, I will try one more time. I would move that we make available the information that we have received from Crowe Chiziak regarding the general financial terms that they presented to us at the joint meeting, when the commission and council met, specifically that information would include things like the interest rates, the time period that they used in making their calculations.

Commissioner Mosby: I will second that.

Phil Hayes: That will be alright.

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

Commissioner Mourdock: Obviously, the hope is that whichever firms would like to come back to us with a review with those data included and the operating costs, we would take some serious look at.

President Fanello: Can we set a time frame to get these back because I want to keep on focus and keep on track here, so.

Commissioner Mosby: Two weeks.

President Fanello: Two weeks?

Commissioner Mourdock: Two weeks.

President Fanello: Two weeks from tonight. Will we be here two weeks from tonight?

Unidentified: Yes.

President Fanello: Okay, thank you gentlemen.

Ken English: Thank you.

Troy Tornatta: Troy Tornatta, real quick. Is there a number set to that? I mean do we, are we apples to apples, are we setting a number to that?

Commissioner Mosby: I really don't know.

President Fanello: He has a good point there. Which option are we asking? They presented us with how many options there?

Commissioner Mosby: Well, there is options A through—

Commissioner Mourdock: They did present a number of options.

Commissioner Mosby: A through K.

President Fanello: That's true.

Commissioner Mosby: So, I guess if I am going to try and compare apples to apples it would have to be on "K". I mean that's what we've got.

Commissioner Mourdock: Crowe Chiziak gave us several different options as well based on their operating criteria were.

Ken English: Why don't we do it the same way that they did?

President Fanello: That's fine, can they do it the same as Crowe Chiziak did?

Commissioner Mourdock: That's works with me.

Commissioner Mosby: That's fine.

President Fanello: Okay.

(Inaudible comments)

President Fanello: Well, do we need to stay with the agenda and have her come up at the individual? We have a time for public comment and we will get to that shortly.

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

**(Tape Changed)**

Madelyn Grayson: Thank you.

Troy Tornatta: Is the tape not ready?

President Fanello: Let's go. Phil Hayes you are on.

**Phil Hayes - Title Work Bids**

Phil Hayes: Yes, with regard to the matter of request for bids on title work for tax sale jobs available with the County Auditor, there is one response, Mills Land Title Corporation. We have opened their bid and it is submitted in the amount of \$250 per tax code parcel and for those jobs available at 52 jobs, we request that the single bid be taken under advisement for review by the County Auditor.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Board Appointments.

**Board Appointments**

Commissioner Mosby: I would like to make an appointment for Sheryl Freudenburg to the Four Rivers Resource Conservation and Development and Reverend Gerald Arnold to the Human Relations Council.

President Fanello: Did you hear that?

Commissioner Mourdock: Second.

President Fanello: So ordered. Next item, is Alan Teeple, ACS contract renewal.

**Alan Teeple - ACS Contract Renewal**

Alan Teeple: Alan Teeple, Director of Computer Services. You should, I don't know that, is this on?

Commissioner Mosby: Yeah.

Alan Teeple: You should have in front of you a packet to extend ACS's contract for a year and also the addition of three additional personnel. We are coming to the end of ACS's contract. On June 30<sup>th</sup> of this year the contract ends. So, we need to do something. At the direction of both Catherine, I am sorry, Commissioner Fanello and the Mayor, they asked me to put together an amendment so that we could have 12 months both for ACS to continue on this site and for you all to have time to do a proper RFP, RFQ. I think that is what the purpose of this is. I have kept it as real and you can tell if you have reviewed the amendment, it is a very simple amendment. I kept it real simple, short and sweet. Are there any questions? I realize that you are probably burned out from hours of your previous discussions but-

President Fanello: We can't really tell what time it is because the clock is wrong.

Alan Teeple: Well, it's 7:30, so-

Commissioner Mourdock: We are just getting started.

Commissioner Mosby: I think that you need to warn the crowd that we are about two hours away from zonings yet. So-

Unidentified: Madame President, I just need to continue mine, my agreement. Do I have to wait two hours?

President Fanello: Yes, you do, you have to wait. I think what we have here, in order to exp-, everybody has a copy of the numbers and there was a revised one brought up at 4:00 today.

Commissioner Mosby: Yes, I have the revised.

President Fanello: What we are looking at, if we continue, if we extend from July of 2002 through June 2003 without considering three new people, we are looking at a monthly increase of about \$1,411, and if we were to add three new people that monthly would be \$8,563, and if we were to add new people we would also be incurring costs from now until June 30<sup>th</sup> as well. So, I think that there needs to be discussion of are we going to add three new people? Are there any comments on that?

Commissioner Mourdock: I guess that I would simply ask the question, instead of three the only option you had was one person, and I know that you had three separate job descriptions here, the consultant, network specialist and micro-computer specialists. Which one is most important to you at this point?

Alan Teeple: Well, at this point, I think and Commissioner Fanello and I talked about that earlier today. If I was limited to just one, I would say that it would have to be a network person, have to be. We have 41 servers and as of right now it is being supported by 1 and ½ people. The ratio that, at least according to Gertners Standards, are that you should have one to six or one to ten servers because there is a lot of work that gets down on servers. One person per six to ten servers. So, definitely under the gun there. As far as PC's, the PC support and the consultant that you would remove, I guess that I would have to say as long as there is an understanding that the level of service and my ability to perform the number of projects that have been requested by both the city and county would be degraded and that is the minimum that I would need, the three additional personnel, just to maintain the level of service that this city and county have come to expect.

President Fanello: I think he brings up a good point. I mean and we can control that here. Our budget probably won't allow us to go three people but it is up to say that they need to work within the perimeters that they can work within.

Commissioner Mourdock: Did you say the budget will or will not?

President Fanello: Will not. You know they only have so many hours to allocate among all projects and we need to make sure that we are not giving them more projects than they can do. So, I mean we are in control of that destiny there.

Alan Teeple: Well, and I guess just as an example and some of the members were at the Data Board meeting on, or the panel was at the Data Board meeting on Wednesday, we sent out a survey at the beginning of December to say okay what projects do you want done in 2002? We have about a third of the elected officials or department heads respond and just from that list, there are 87 projects that they are desiring. Now, some of them are small and some of them are large and we are in the process of identifying how many hours are associated with that, but that is just projects. My maintenance, just the, my computer doesn't work, my printer won't print, my PBA doesn't work. I average about 3600 hours a year on just that alone. That is not projects, that is just break, fix, I don't know what I am doing, or meaning the client or user is saying that, help me understand what I need to do to make it work to the printer is broken and needs to be repaired. So, we just need to understand what that means. Now, let's take it one step further and I realize that you have been in the midst of two hours of discussion and you probably don't want to draw this one out, at least tonight any longer, but I think the other thing that needs to at least be discussed is that you have already got in your budget to pay for my services, meaning ACS for 2002, it doesn't stop June 30<sup>th</sup>. The budget was in place for the entire year for 2002. So, at least take that into account that it would be the 2003 budget that we would need to be concerned about as far as those six months, providing that the RFP or RFQ isn't done by then and that we are talking, I realize my view of a slight increase and your view after some of the discussions that you have just had are two different views of reality, and I know that, but when you are talking about \$16,000 a month increase to provide three people and an additional level of service, I don't see that as large, but those are fiscal decisions that you all have to make. The other thing that I would say is that I think that this goes into some of the things that I have started working with as far as SLA's and that means Service Level Agreements, that you ought to be looking for as far as an RFP or RFQ process, RFP, and that means that you stop thinking of FTE's you think of level of services. A fixed price contract if you will and you choose, you know, gold, silver, platinum, lead and that's what you pay for and there are certain levels of responsibility and that it is up to whoever your provider is to deliver it. Whether it takes two people or fifty people, it is up to the provider to meet that level of service or you have penalties. Those are the kinds of discussions at least that we have had as it relates to a new RFP or a new contract

President Fanello: Let me just add a couple of things. I did meet with the Mayor, he called me about 4:00, after 4:00 and we did meet at a quarter till five and he did want me to carry the message over here that he is willing to support one new person, but isn't willing to support beyond that at this time. So I am carrying that message.

Alan Teeple: Okay.

President Fanello: And just for reference point there have not been any new employees added since 1998 to Computer Services.

Alan Teeple: That is correct. I guess the other thing, and again it sounds like both the Mayor and you all have made a decision as far as maybe it could be one additional person, but we have grown just since 1997, when we had 406 PC's to 1116 PC's. You know we have increased exponentially as far as the level of the user community, but haven't increased the support staff. I can tell you the user community hasn't decreased their level of what their expectations are.

President Fanello: So, I guess, does anybody have direction or comments?

Commissioner Mourdock: This has not yet gone to the Board of Public Works?

Alan Teeple: It has not. It was due to go before there this morning and at the 11<sup>th</sup> hour they made a decision that the Mayor wanted one more discussion with the Commissioner and myself at some point.

Commissioner Mourdock: Your point regarding the increase, Alan, on the number of machines that we have verses what we had. I mean, it is obviously a dramatic increase and I understand a bit of your frustration, but I am getting more and more frustrated with our budgeting process and all of the demands on it and I don't know that I can do much more than the one person. So, I will move that we accept amendment number 10 as presented to us accepting that the additional position as defined in paragraph four be limited to just one person and that one person be identified as a network specialist.

Alan Teeple: Okay.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Second.

President Fanello: Motion and second, so ordered.

Alan Teeple: And I guess that one final thing since this is my first time before this body with an amendment is that I make the revisions and then bring it up to Tammy for signature?

President Fanello: Is that okay?

Commissioner Mourdock: Actually, you probably ought to make revisions and send it to Phil and then he can run it by us next week.

Phil Hayes: Alan, that would be fine to deliver it here and Tammy can contact. That will be convenient for you?

Alan Teeple: I will change also the back head, the fourth page heading, payment schedule, I need to revise that payment schedule.

President Fanello: Yes.

Alan Teeple: Thank you very much, even though I didn't get three, I will take one.

President Fanello: You got something.

Alan Teeple: And that we got the contract amended.

Commissioner Mourdock: Getting one of three is better than the previous year.

Alan Teeple: You got that. You got that right.

President Fanello: Okay, next item, Dennis Feldhaus.

Alan Teeple: Thank you.

Commissioner Mosby: Did you not do this? The RFP for this?

President Fanello: Oh, oh.

Commissioner Mosby: Steve Craig.

President Fanello: I am sorry. I made an error here and skipped over Steve Craig, I apologize. Steve? Dennis, can you hold on just a second? Steve can you come ahead.

**Steve Craig - RFP VC15-2002  
Burdette Park Concessions**

President Fanello: Okay, Steve has a request for proposal to send out for Burdette Park Concessions.

Commissioner Mourdock: Steve and I were talking about this briefly, the only thing that I want to be sure I understand and that it is clear to whoever is responding to this, is that the sole basis at which we are looking to make this award on a financial side that it being determined and the bids be submitted strictly with a percentage. The pricing sheet says proposal, total amount listed clearly on the first line. You are simply looking, Steve, for a percentage, is that correct?

Steve Craig: It should read total percentage of gross listed clearly on the first line.

Commissioner Mourdock: Okay, total percentage of gross. The other comment that I would have in this section regarding questions regarding the RFP says, "questions regarding the RFP will be directed, Steve Craig, Manager of Burdette Park, County Commissioners, I would suggest that be amended to say, Steve, "all questions regarding the RFP will be directed in writing to Steve Craig" and then I would also suggest that whatever those questions are, if you have three or four people responding to this, make sure everyone gets a copy of the questions, respond to them in writing and make sure that everyone gets a copy of your answer. So, again we don't have someone coming in at the last minute with some misconception.

President Fanello: Do you have a question?

Commissioner Mosby: I guess the one question I got is why are we giving our income and expense summary for the past five years?

Steve Craig: That is a decision up to you. I gave it to you so that you could see where we are at on it and if they wanted to include it, we would include it.

Commissioner Mourdock: Wouldn't the bidder likely to need that to have a good feel as to what their gross costs will be as well as their gross earnings?

Steve Craig: I think I would be interested in it if I was bidding on it, what it would have been. But, that is a decision that we will have to make, if we want them to know that.

Commissioner Mourdock: It is otherwise public information so they can get it anyway.

Commissioner Mosby: Well, I could see giving them attendance figures, I mean, it is just giving them something to say, this is what they made last year, I ain't giving much more than that.

Commissioner Mourdock: Yeah.

Commissioner Mosby: Well, that is my only, well that and -

Commissioner Mourdock: Well, maybe that page needs a little footnote, the old stock market quotation, "previous results are not necessarily indicative of future performance".

Commissioner Mosby: The other thing that I did circle in here is why are you including the vending machines?

Steve Craig: Because they could take them over and run them themselves, but right now we allow Coke to run them, and you know it could be profitable to both of us if they run them because they can purchase the soft drinks cheaper than if they do it through Coke.

Commissioner Mosby: Wouldn't it profitable if you took them over?

Steve Craig: Well, we used to have them when Mr. Tuley ran them but we quit running them because of the storage space for the soft drinks and also because of the, we have to use our people to stock them and then when the machines broke down we had to wait until they fixed them and our machines were broke a considerable amount of times.

President Fanello: Has Phil Hayes reviewed this?

Phil Hayes: I had an opportunity to look at it this evening in the packets. I don't have any particular problem with them, it was pretty well couched in the same language that you used last year. Isn't that right, Steve?

Steve Craig: Yes.

Phil Hayes: It had that same familiarity with it but in terms of the particular discussion that you are having right now, I really don't have an opinion. The most important thing is to make sure that it's clear to anyone responding exactly what's expected and that's the best I can say and I will defer to you on the language.

Commissioner Mourdock: And just on a what if basis, since they are going to bid this on a percentage, is there any question that if we had two vendors respond with a number, and I will pick a number out of the air of 6.8%, that we have some mechanism by which to select a bidder.

Phil Hayes: Well, you ordinarily, we are instructed to go to the best analysis, that is the best bid or in the Federal language, the best and most responsive and—

Commissioner Mourdock: The only way they are being responsive is to fill in one number.

Phil Hayes: Just to fill in a number here, yeah. What's the timetable that the Commissioners would like for this to go out? Are you still within the time limit that you, do you absolutely have to have an approval tonight on the language or if you want me to work with Steve and try to develop something we could.

Steve Craig: We probably have a couple of three weeks before it starts getting down to where it would be crunching the people for their—

Phil Hayes: I think we could do it in a couple of days, I think we could have it so that it is back on the agenda for the following meeting.

Steve Craig: That would be fine.

Commissioner Mourdock: I move then that we defer for one week.

President Fanello: Second.

Phil Hayes: I appreciate that.

President Fanello: Next item, Dennis Feldhaus.

**Dennis Feldhaus - Property and Casualty Insurance Renewal**

Phil Hayes: Am I supposed to like this?

Dennis Feldhaus: Dennis Feldhaus, County Insurance Agent of Record.

President Fanello: Do you have an extra copy?

Dennis Feldhaus: I do not.

President Fanello: I left mine in my office, he brought it by earlier today.

Dennis Feldhaus: First of all, as your current agent of record, and for the record and since 1987 I have had the privilege of representing the Commissioners for the insurance on the property and casualty short of six years during that time frame. That being said, I regret that this evenings proposal before you represents not only the largest dollar variance of increase in your renewal property and casualty but unfortunately also the largest percentage increase in the 17 years that I have had some involvement either inside or on the outside looking in. The top copy that you have on your proposal this evening is basically analyzing the coverages, the major areas of coverage, the expiring premiums of the current policy, the renewal premiums offered by the carriers for the next 12 months effective 2/1 and the variance in dollars and the variance in price. I am not going to analyze each of those, but I will entertain questions if you have those at the end. I just would like to drop to the bottom line. We all seem to be bottom line folks and you might ask what is the 44%? How did we ever get into a position to get a 44% rate increase in

Vanderburgh County from 2002 to 2003? I was negotiating these very prices as late as Saturday afternoon, which is why I apologize that you didn't get previous documents before this evening. 25% of the 44%, basically, is roughly the marketplace, and I will explain that as we move forward in my presentation. The other 19% is basically us. Basically Vanderburgh County. I will try to explain that in some detail. If you turn to the second page, I have kind of summarized the factors involved in our premium increases, and they are categorized in five categories of which the first two are the 25% , the marketplace. I want to talk about the marketplace just a little bit. You will recall when I came to this podium a year ago, I delivered to you an 11% rate increase for the expiring policy. At that time I mentioned then and I will mention again that from 1992 though 2000 roughly the county's insurance program as far as premium dollars budgeted and spent remained unchanged and that is the upside to the county's insurance program. I also mentioned to you that the market is changing. When I delivered the 11% rate increase last year. In August I was asked to provide budget estimates and I did so knowing that the market was continuing to harden and budgeted in the budget some 17% to 20% increase per coverage, and those were the numbers that were submitted through the Commissioners and the Highway Department line items for insurance. Unfortunately, I am too, as 9/11/01, we don't need to talk a lot about 9/11/01 except how that effects Vanderburgh County this evening in their renewal rates. It is a whole new ball game. The distribution channels of insurance specifically for municipalities has changed dramatically. The reinsurance carriers and the treaties involved for reinsurance companies to provide coverage for an entity of this size when you are looking at \$115 million of property, when you are looking at \$10 million in liability, when you are looking at \$42 million at any one location. All of those items, drastically affected 1/1, and all of the reinsurance treaties are being increased. Reinsurance companies are, for those who don't know what reinsurance companies are, they are the companies that insure insurance companies that we deal with day in and day out. Our excess property carrier, if you refer back to the top page, you will notice that the excess property took on a 97% rate increase. Our carrier is Allianz and it is the only carrier out of seven that would give us a quote for \$115 million in property coverage, which we need to provide coverage for the taxpayers of Vanderburgh County. Allianz, if you had a list of the carriers that were involved in the World Trade Center and who took the biggest hits, it was Swiss Munich, Allianz. I don't think that I need to say anymore. It's passing down the rate increases even from 9/11. Not only are the premiums up, but the coverages are less. On the table for your approval this evening is an exclusion for terrorism, specifically for the location of the Centre. It was targeted as a major exclusion in all commercial properties this year, bank on it, it is starting right here tonight at the Centre.

(Inaudible)

Dennis Feldhaus: We have an exclusion for the act of terrorism at the Centre location only for Vanderburgh County so if there is property damage to the facility as a result of a terrorist act, I don't have property coverage for you this evening. I can't buy it for you this evening.

Commissioner Mourdock: For the Civic Centre?

Commissioner Mosby: Auditorium.

Commissioner Mourdock: The Centre only and not this building?

Dennis Feldhaus: Correct. Okay, I am sorry. The Centre only. Another sub-limit to the renewal is earthquake and flood. Last year we had a total of \$115 million of quake and flood and as another CAS loss, catastrophic loss, that the reinsurance companies are really not offering the product. I have a \$25 million limit this evening for earthquake and flood. I am working on options and will bring those back to the table, but as of tonight, as I stand before you, I only have \$25 million of quake coverage. So that basically is the marketplace, and it is not pretty. If you are in business you are going to find that out soon enough. The other items that I would like to talk about which consist roughly of the other 19% or 20% of our rate increase is us, Vanderburgh County. Obviously insurance companies base your rates on the exposure. The three main exposures for Vanderburgh County is payroll, fleet, auto units and property values all of which are up over last year. Another item that underwriters look at and insurance companies use as a bible is your individual loss history or your frequency. How are you doing with what, from a risk management standpoint and what is the actual loss for Vanderburgh County? Unfortunately this year we go back two years from 2/1/99 to 2/1/01, a two year period there. The county's loss ratio was 105%, which means for every dollar paid to the insurance company they paid or reserved a \$1.05. That is also reflected in our renewal rate. During that time we sustained 371 total claims and we paid out in excess of \$320,000 in paid losses, we paid out \$97,000 in expenses and we have in outstanding reserves \$272,000 which as your agent, I'm constantly working on getting that reserve down because it does affect your renewal premium. Those reserves involve a number of losses that I won't go into detail this evening. The last item, our specific underwriting concerns that were discussed by the underwriter with me on the telephone Friday and Saturday and they are reflected subjectively. If you ask me how many dollars does that involve? I can't give you an answer, but after all the underwriter subjectively looks at these issues, and these issues that we spoke of earlier this evening. Number A is the number of property losses and specific dollars paid at our current Safe House. There have been six losses there in the past eight years totaling well in excess of \$120,000 of property loss in one location. So, it is not necessarily the dollar amount but the frequency and the trend that is an issue there. Obviously, we have overcrowding of jail issues and we all know about those issues, and I don't need to elaborate on those and the Department of Corrections report that the underwriter has access to that specifically hones in on that particular issue and it is a major issue for your insurance carrier. And C and D are basically from an underwriters point of view sitting in Nashville talking to underwriters and Lloyds of London in England trying to get us pricing for Vanderburgh County, and they don't understand the politics nor do they really care. They look at what we've got, where we've been and where we are going and they'd like to see us get there as quickly as possible and the Commissioners and Council are basically charged to help us get there. Again, the renewal premium it is 2/1 and I need to have your approval this evening in order to provide binder coverage, and this is ,unfortunately, the best that I have available after six major carriers declined coverage for Vanderburgh County.

Commissioner Mourdock: There is still much outstanding from 2/11 or 9/11 to be determined.

Dennis Feldhaus: Yes, very much.

Commissioner Mourdock: Yes and if it was two attacks. If it was one attack. Those kinds of things could still have huge, huge repercussions. If we do this tonight are we in fact locked in for a year?

Dennis Feldhaus: With respect to premium and coverage?

Commissioner Mourdock: Well the total cost.

Dennis Feldhaus: Yes, there will be no change in your premium or coverage locked in tonight. My charge is to find you more than \$25 million in quake. If we have an earthquake and the Centre goes down we leave the taxpayers short, and that is my charge, but it will come at a price as if these aren't bad enough.

Commissioner Mosby: How many carriers did you shop this with?

Dennis Feldhaus: Willis Corroon is the broker that Vanderburgh County has done business with since 1985, and they are the all lines aggregate program that we benefitted from since that period of time, and they are still the same broker and they brokered this through six different carriers. Munich Re, Swiss Re, CNA, Hartford and Travelers, and St. Paul. St. Paul offered \$50 million max on property and the others declined.

Commissioner Mosby: And probably to check with another agent would they have any different carriers than you?

Dennis Feldhaus: I would say that if, Mr. Dillow is lucky not to be here this evening, he would bring you the same basically, the same price the same product.

Commissioner Mosby: So, anybody else would use the same companies?

Dennis Feldhaus: It is what it is and that is not meant negative towards the Torian agent, they are an excellent shopper and he was your county agent of record for four years, the same company, same products, same pricing.

Commissioner Mourdock: And let me just add something to that because I don't know if you have elaborated on it but one of the things that they were speaking to me about this past week was the effect on just what the, I won't get the term right, but the money that the insurance typically turn around and invest for the last two years that has been negatively performing for them so there is less revenue being generated on that side of the insurance equation and they have to make it up even if 9/11 hadn't happened, they would have to be making that up.

Dennis Feldhaus: Yes, yes. Again, 25%, last years 11% was actually was what that was. It was already the start of the hardening because of the interest rates going down, insurance companies didn't have the cash flow and they had no interest income. I am hopeful in this, this is for the benefit for the Council and the benefit of the Commissioners and all of the people involved in the jail issue. I am very hopeful that this jail issue can be resolved in some fashion with either grievance for the outside for the overcrowding and/or a new jail facility that is voted on, approved and moves forward. Short of that, on 2/1 of next year, if no movement is made within the next 12 months my concern would probably not be earthquake, flood or property limits, my concern would be public officials, errors and admissions liability and law enforcement liability insurance, they will be affected. Either by what is offered or by the price for what we get.

President Fanello: Are the Councilmen able, can you hear back there?

Dennis Feldhaus: Would you want me, I guess I need to, did you want to go into the dollars and where they are going to be? Because the premium on the table exceeds the budgeted amount. I think that Council may want to know that we are not coming back to them. As you know at the end of the year the line item 3000 in the Commissioners account, what is not spent is quietused over into 4281 and 4281 which is the Vanderburgh County loss fund. As of this morning, per Anne Virgin in the County Auditor's office, that account had \$190,550. What was approved by the state in the budget for both the Highway and Commissioners account and comparing that to the premium on the table to be paid, I am \$88,000 short. My budget is \$88,000 short of what I need, it would be my recommendation and also my request this evening to quietus \$88,335 of that amount back into a budgeted item such as insurance for Commissioners and Highway so that we can pay our insurance premium leaving the balance to roll into 4281 Loss Fund.

Commissioner Mourdock: I think formally, we would need a Council call to go ahead and initiate that.

Dennis Feldhaus: I don't know how that works, but-

Commissioner Mourdock: For the \$88,000 what did you say, 335?

Dennis Feldhaus: Yes.

Commissioner Mosby: We would need what?

President Fanello: Go to the Council.

Commissioner Mosby: If it is already in the account.

Suzanne Crouch: I think that could be blue claimed. I will check with State Board of accounts since that money was actually budgeted at one time and is money that has rolled into that account.

Dennis Feldhaus: The point being as a body, I don't believe that we have to go back to additional funding, I believe that is the important thing this evening.

Commissioner Mosby: That's what I was thinking.

Dennis Feldhaus: Despite the bad news.

Commissioner Mosby: I mean I don't know. I would make a motion that we take the \$88,000 if at all possible, take that and quietus it back in and make our payment before 2/1 so we are not left without insurance. So, I make a motion that we go ahead and accept it.

Suzanne Crouch: And you can provide a breakdown for how much goes to Highway and how much goes to General Fund?

Dennis Feldhaus: Yes, I have that.

Commissioner Mourdock: I will swallow hard and second the motion.

President Fanello: So ordered.

Dennis Feldhaus: Thank you.

President Fanello: Thank you, Dennis.

Commissioner Mosby: Before we move further, I am going back to a situation. Can we not let Mr. Bohleber and his client and the other people that are here for that, go because they have done held it at the City level and I will make the motion that when we get to the rezoning agenda to hold it so that they can negotiate this out for a month and then come back.

Commissioner Mourdock: And you are just looking for a one month?

Steve Bohleber: Thank you for this consideration. I am Steve Bohleber and there is a long version and a short version. The short version is that Shirley James and some folks from the West Side Improvement approached us in the hall just before the City Council meeting with some talking points that we have not addressed before or heard from as specifically from them before. I am always one that likes to talk and see if we can reach a consensus and we moved to City Council to continue this rezoning for one month for that purpose and I move the County Commissioners for the same consideration and that was a request made by potential remonstrators and I am always happy to act upon those requests.

Commissioner Mosby: I will make that motion for you at the rezoning meeting if it is agreeable. No problem. I don't see any reason for you have to sit through all of this if you are not going to have a hearing.

Steve Bohleber: See you next month, thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

Commissioner Mourdock: It's a great civics lesson though.

<b>American Medical Response Contract</b>
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President Fanello: American Medical Response contract. Are there any questions by the Commissioners on that contract? There weren't any changes except the date.

Phil Hayes: Just the same thing. I could say for the record just to inform you, Mr. Key was extremely helpful to our Commission last spring and summer on this, that is apropos of nothing except for the fact that I felt it was worth mentioning for the record. I think that these are contracts for them to meet anyway but I felt that he added a great deal in terms of assistance. I would like the record to reflect that.

Commissioner Mosby: I make a motion that we accept the AMR contract for next year.

Commissioner Mourdock: Second.

<b>Voices for I-69 Contract</b>
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President Fanello: So ordered. The I-69 contract, same contract.

Commissioner Mourdock: I will move approval of the I-69 contract.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: (inaudible)

President Fanello: Okay, department head reports.

Commissioner Mosby: Are there other people here?

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Oh, I am sorry. Is there anyone else here wishing to address the Board?

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

**(Tape Change)**

Commissioner Mourdock: You can go ahead.

Unidentified: Go ahead? Okay. I will be brief, I have asked this question before, I really wanted to ask the jail designers though while they were here. I mentioned to you last time I heard.

Commissioner Mourdock: State your name please.

Connie Whitman: I am Connie Whitman, sorry, Evansville resident. I asked you before what you are doing about this number of jail beds. There are hundreds of people in the jail that don't belong there. There are two huge categories. There is civil incarceration for things that were fines and if somebody misses a court date and bam they got a bench warrant. Then you have kids held months and months, sometimes a year, without a trial because there are no lawyers in this town that give a darn to give them a speedy trial. There just aren't any lawyers in this town that care. So when you have somebody held eight months for a traffic ticket that wouldn't have carried any jail time, you have so many people in jail that don't belong in jail. You could do it a lot less. So for instance, the people that had the 64 pods, you know pods of 64 or the other with the modular, I suggest that you go with the lowest number that you can. What I would really like to see you do is hire me for \$15,000 or \$20,000 a year to review all of your cases and I could save you millions. Because when you hold somebody eight months in jail that didn't owe any jail time in the first place, or wouldn't have after they had their trial, would be a fine or restitution or something else or nothing. Most charges aren't even true and they are dropped later. They raise their charges as bargaining chips. They can't make bail, and you sit in jail for that higher bail for something you didn't do. So, I hope that you all will listen to what I say and go through those cases, have these cases reviewed and see if there aren't hundreds of people that don't need to be released and if they don't have a speedy trial under the sixth amendment or reasonable bail under the eighth, if the lawyer doesn't do anything in two weeks or four weeks, let them go. Make

these lawyers do their jobs. You would save millions, not to mention the misery you would alleviate for somebody doing eight months of jail for a \$25 ticket. It is not just right. I see a civil rights action here because the jail population is less than 1% of the population. It is not a voting block and they have no one to speak for them. Like I said, a kid that is pulled over and misses his court date, suddenly is owed jail time for no reason and that is a minority, less than 1%. They need some kind of protection. Also, I didn't hear anybody address the Public Defenders office. Or what, I don't know what you use the space in these 193,000 square feet or 118,000 square feet. The police and sheriff are on duty, three shifts a day, seven days a week, and I think that you should have a Public Defenders office inside the jail three shifts a day, seven days a week. There should be lawyers on duty to balance out the rest of the Constitution. Like I said, you all have managed to violate every single provision of the Constitution that it is possible to violate, especially the sixth and eighth amendments.

President Fanello: Is there anyone else that needs to come forward? Okay, seeing none, moving onto Department Head reports. County Engineer.

**John Stoll - County Engineer**

John Stoll: First, I have a change order on the Boyle Lane Bridge contract, this was contract number VC01-08-01. This is for a net decrease of \$1,003.76.

Commissioner Mosby: I motion for that.

Commissioner Mourdock: You beat me to it. I'll second.

Commissioner Mosby: It's for a decrease.

President Fanello: Okay, so ordered. We'll take all that we can get.

Commissioner Mosby: There aren't too many decreases that come across.

Commissioner Mourdock: Where is Dennis Feldhaus?

John Stoll: Next, I have a street acceptance request for Buente West Court in Section 5A of Cross Pointe subdivision. This street was inspected and it was built in general accordance with the approved plans, and it is recommended that the street be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I have a letter that I drafted to send to IDEM in regard to their latest draft of the Phase II storm water regulations. I've got 15 different items that try to address some of their more stringent requirements, and hopefully they will make some of these changes we are requesting.

Commissioner Mourdock: I appreciate your dogged persistence, John. Motion to approve.

Commissioner Mosby: Second, I am sorry.

President Fanello: So ordered.

John Stoll: I was going to say reading through the regulations during the meeting I found out six more that I am going to send a letter. Rather than have you sign, I'll send it myself, because the deadline is Thursday. So I will get that written. Next, I've got a letter—

Commissioner Mourdock: Excuse me, I think Bill Pedtke wants to say something about the storm water.

Bill Pedtke: Not about that necessarily but the letter specifically. Bill Pedtke with the Builders Association. Excuse me, can we also get a copy of that letter to our State Representatives and State Senators from the Southwestern region? Not just Vanderburgh County, but I think that we need to start drawing some support. This stuff is getting ridiculous.

Commissioner Mourdock: Great idea. I would move that we send copies of that letter to the various State Representatives and State Senators from Southwest Indiana and ask them to pursue our issues as well.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: I have also been in contact with the Warrick County Surveyor, Karen Barnhill and she is planning on doing the same in regards to sending out the letters to the State Reps. Next, I have got a letter regarding Parcel 20 on the University Parkway project. This is the Marvin Wright property. The increase is a request for an additional \$1,310.62. This is to cover Mr. Wright's property tax bills that will occur after we have acquired the property. This would make the grand total offer to Mr. Wright, \$261,310.62. We have gone ahead and had similar increases on total property takes in the past. Inkenbrandt parcel was another one where we had an increase to cover the property tax issue, and based on that it is recommended that this increase be approved.

Commissioner Mosby: I will make a motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last item that I've got is a request for street plan approval for Liberty Estates. This is located off of Bergdolt Road. It is off of the east end of Bergdolt Road, east of Oak Hill Road. This subdivision was formerly known as Section 2 of Ashwood Subdivision, but due to it not being recorded, it's primary approval expired. So it has been brought back with a new designer and a new name and I have reviewed the plans and recommend that the street plans be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Hayes: I am just being nosy, John.

John Stoll: That is all I've got unless you've got any questions on anything.

President Fanello: Thank you, John. You got any questions? Okay, County Highway.

Commissioner Mosby: A few more minutes.

John Stoll: Pardon me.

Commissioner Mosby: Are you going to be around a few more minutes, until we get to new business?

John Stoll: I guess I can be.

Commissioner Mosby: About 15 minutes.

John Stoll: Sure.

Commissioner Mosby: I would like for you to stay.

President Fanello: County Highway.

**Ralph Kissinger - County Highway**

Ralph Kissinger: Here are two sets of pictures that we can pass one one way and one another. This is Ralph Kissinger, County Highway. These pictures are of a dump site on Newman Road that our, a continuing problem we spend thousand and thousands of dollars a year to clean this up. I don't have a problem cleaning it but we need to work on a solution for this. I have talked with Chief Williams and he is able to step up the patrols. It is a remote area and I don't really have any real good ideas, but I am open to suggestions. This is an ongoing problem of a dump site, but this time there where, we cleaned, this picture was taken. These pictures were taken after we had already hauled off a full tri-axle load of roofing out of the roadway itself. It had obstructed traffic and we had already loaded one tri-axle full of roofing and, you know, what the tonnage is on roofing and what they are charging at the dump. Last spring we cleaned this site completely up, and by mid-summer we had to go back ago. It is an ongoing thing, and I am open to suggestions. I brought it to the Sheriff's department and the Chief said that he could step up patrols down there. I don't know, maybe some sort of surveillance, put a camera on a tree, get some license numbers. I think if someone would actually get fined it would deter a lot of it. I know it is a tough situation, like I said, I am open for suggestions, but it is an ongoing thing that continues to eat away at our budgets.

Commissioner Mourdock: Is all that is being dumped, is it confined to our right-of-way?

Ralph Kissinger: No, but most of it is on right-of-way, but there is a property there that a farmer owns. That part of it is on, and part of its off where the dump is, but it actually runs from the road all the way to the edge of the wooded lot there. From

what the right-of-way I get, I haven't gone into any deed research, which John could do for me, but we have got a pretty liberal right-of-way down there.

Commissioner Mourdock: Where is Newman Road?

Ralph Kissinger: It is off of Old Henderson Road down several, two miles passed dogtown, approximately two miles.

Commissioner Mosby: Yeah a couple, about two and a half miles. I don't know if you are familiar with Green Light curve down there but it is right past that. You turn to the right. You like that? Green Light? That's what it is called. I can't help it, but it is. I know the area that he is talking about, and it is very handy to back right up there and dump real quick and go on out and never be caught.

Ralph Kissinger: I know there have been signs put up there in the past and it is a favorite spot for people to go out and shoot their hand guns, and they just shoot their signs until they fall off of the post. It's just a bad situation. Like I said, I am open for any kind of suggestion to try, and you know, if we can't eliminate the problem at least get it to something that we can control easily. Not including manpower, but just the expense alone of dumping this stuff is quite expensive for the county.

Commissioner Mosby: Have you ever dug through any of it to see if you could get any names?

Ralph Kissinger: I did today. I actually did and as we scraped through it, I was trying to find something with the contractors name on it because what I thought happened on the roofing a contractor probably charged somebody a tremendous amount to haul that off and then dumped it down there after they tore the roof off. So, you know these things happen.

(Inaudible)

Ralph Kissinger: Right, it could have been an individual but there was an awful lot there.

Commissioner Mourdock: It may just be an exercise in helping someone exercise their second amendment rights, but let's go ahead and stick a couple of signs down there so that they are aware of what we are doing.

Ralph Kissinger: Yeah, like I said, signs are fine. I don't know if anybody would pay attention to it or not. What do you think, Brad?

Brad Ellsworth: (Inaudible. Not at the mike.)

Ralph Kissinger: The only other thing that I have here this evening, I have rewritten the specs. I have some tandem axle trucks on my capital improvement.

Commissioner Mourdock: Before we go to this, first thing, let's go back to the signs. Do the signs that you have been putting up, say simply no dumping? Or do they have anything about a fine on them?

Ralph Kissinger: The signs that were up in the past were so shot up I couldn't tell what they said. I really don't know. I didn't mean to be humorous there.

Commissioner Mourdock: Let's at least stick something up there that involves money.

Ralph Kissinger: Sure, I can get with the Engineer's office and he can direct me as to what to put up there.

Commissioner Mourdock: Something that states-

Ralph Kissinger: I don't know what the ordinances are in the county but...I have rewritten some specs on our tandem axle trucks. The ones we have were spec'd way too light, and we've had a lot of spring problems with them. I have rewritten these to state minimums, and with your permission, I do have the funding in place, and I do have it on my capital improvements to buy two of these trucks this year. I would like to go ahead and give these to Phil Lawrence and get the bidding process started on those two trucks.

Commissioner Mourdock: Ballpark number, what will these trucks go for?

Ralph Kissinger: Equipped the way they are, I would say between \$60,000 and \$70,000 per unit.

Commissioner Mourdock: And you are looking for what, two?

Ralph Kissinger: Two. I have two 1988 trucks in the fleet. I've got five 1993 and two 1998 models. The 1988 models both have over 300,000 miles on them.

Commissioner Mourdock: My question isn't about what the need is, but about the overall county budget.

Ralph Kissinger: I do have it budgeted.

Commissioner Mourdock: I know, I understand that.

Ralph Kissinger: For that amount, yes sir.

Commissioner Mourdock: I see growing demands out there.

Ralph Kissinger: I understand, and I am trying to get some of these older vehicles updated with more fuel efficient computerized engines. There is-

President Fanello: Well, we can't use the Highway budget for anything else other than, does this come out of the Highway budget or is in the General Fund?

Ralph Kissinger: This is actually Local Roads and Streets.

President Fanello: Which we still can't use for anything other than.

Ralph Kissinger: No, I think Local Roads and Streets funds are equipment budget.

Commissioner Mosby: I will make a motion that we accept the new specifications to give to Phil Lawrence:

Commissioner Mourdock: I will go ahead and second.

President Fanello: So ordered.

Madelyn Grayson: Ralph, do you have an extra copy of that?

Ralph Kissinger: Yes, I do. I should have one. That is all that I have this evening unless you have anything else.

President Fanello: Is there anything else for Highway? County Attorney.

**Phil Hayes - County Attorney**

Phil Hayes: I have no prepared report for tonight.

President Fanello: Thank you, Superintendent.

**Tammy McKinney - Superintendent of County Buildings**

Tammy McKinney: I have nothing.

President Fanello: Okay.

Commissioner Mourdock: I have one quick question, Phil. Did, I shouldn't have made it that quick of a question. From our Executive Session without going into all of the details regarding litigation. Did Joe get feedback from Indianapolis that he was going to try and talk to, has there been contact made?

Phil Hayes: Yes, he was here earlier this evening and he has gotten some, and he said that he would be contacting our office. In turn we'll try to pass on where we are.

President Fanello: Okay, Burdette Park.

**Steve Craig - Burdette Park**

Steve Craig: All I have is my work reports tonight. I need to set up a time with Phil to meet over the concessions.

President Fanello: Okay. You can just get with him. I'm sure you'll have to call the office and set up a time with him.

Commissioner Mosby: Did you hear that he needs to get with you?

President Fanello: Does he just need to call the office and set up a time with you? About the RFP?

Philip Hayes: No, I'll call you.

President Fanello: Okay. Don't call him.

Philip Hayes: Just give me a call.

Steve Craig: Okay.

Philip Hayes: Don't be shy. I know you are.

**SWCD & Ozone Officer Report**

Commissioner Mourdock: We have Soil and Water reports and Ozone. I would move those be included with the submitted department reports.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: (Inaudible) worksheet.

President Fanello: So ordered.

**Consent Items**

President Fanello: Consent Items.

Philip Hayes: Yeah, ask Jeffers how we (Inaudible).

Suzanne Crouch: I ask that the Commissioners amend the Consent Items to include a pass through grant. It's a grant renewal for the Health Department. It does not require Commissioner signatures. We received it today. I apologize for the lateness.

Commissioner Mourdock: I'll move adding that item to the Consent file.

Commissioner Mosby: Then I would like to also add another one for an interlocal agreement between Vanderburgh County and Henry County to the Consent Items.

Commissioner Mourdock: Is that regarding the jail?

Commissioner Mosby: Yes.

Commissioner Mourdock: Same type agreement?

Commissioner Mosby: Right. Same as White and Spencer.

Commissioner Mourdock: As I'm thinking of it, let's be sure we get copies of those to Dennis Feldhaus since he's kind of left with the impression that maybe there are (Inaudible) more things in the works. Anything else for Consents? I'll move approval of the Consent Items then, with those several additions.

Philip Hayes: I'm not sure I want (Inaudible)--

Commissioner Mosby: Second.<sup>1</sup>

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<sup>1</sup>Consent Items liste on Page 60.

**Scheduled Meetings**

President Fanello: Okay, scheduled meetings. Oh, I'm sorry. He made a motion.

Commissioner Mourdock: I made a motion to accept the Consent File.

Commissioner Mosby: I said second.

President Fanello: Okay, so ordered. Sorry. Scheduled meetings. None that we know of.

**Old Business**

President Fanello: Old Business.

Commissioner Mourdock: One bit of Old Business, and I'll just pass out for review next week, but as you know we've had some discussion about what our space allocation would be, and Mr. Utley, before he left tonight prepared a bit of a survey form that could go to all the various department heads with space here in the building on the county and city side if we choose to do it. So, I'll just give you copies and then we can talk about the (Inaudible) at a future date.

President Fanello: Okay. Just one copy.

Commissioner Mourdock: That's all the Old Business I have.

President Fanello: Okay.

**New Business**

President Fanello: New Business.

Commissioner Mosby: Yes, I have one piece of New Business, that's why I wanted John to stay. Last Friday I went out to Jobe's Lane with the, with Judge Tornatta. INDOT was out there, some other people from Indy, the Health Department, EMC, I'm trying to think of all the parties involved. We have a bad sanitary, we don't have a sanitary sewer, so it's a problem with septic tanks, and most septic tanks all flowing into one, and it goes to the bottom of the hill. I don't know how familiar you are with all this. Anyhow it's in court. There's a court case, I think, David Schroeder versus some of the neighbors, some of the neighbors versus Vanderburgh County, I'm not sure who all's involved in this court suit. It's been an ongoing problem. Health Department has basically, I guess, condemned every septic out there. Now they have went out and tested the wells and all the wells are full of ecoli or whatever, so they are told not to wash their clothes or use the water to drink. So, what it amounted to is the Judge was trying to look for a solution to this whole problem after, I'm going to say, three or four years, I'm not sure how many years this has been going on. What he had done was talk to some people in Indy, they are...there was two of them come down, they checked what was called the rural county something, and we didn't qualify under that. They checked under INDOT or IDEM and we didn't qualify. They have found a couple of sources, possibly, of funding that would allow these people a grant, rather than to try and use the Barrett Law, because this is like a 54% income neighborhood. They have the income averages on it. These people

basically couldn't afford the Barrett Law. What it's going to require of the county is that we will in turn have to put the up front money up for an engineer to go out and, basically, give us a design of what it will take to put a sewer in. They are also going to end up putting a water line in at the same time, because they need a water line too. It's going...they said it would be easier to do both while the hole is open. There is a lot of easement problems to this area. From what I understand, Jobe's Lane at one time should of went that a way, and it's goes that a way. So, we are going to end up, probably, having to get some easement rights signed. We have to foot the up front money for the attorneys to go out and do the easement work. Hopefully, if the grant comes through, like they are hoping, this would all be paid back out of the grant to the county. We would get our money back for the engineer. We would get our money back for the work the attorneys do on easement rights. If it doesn't and they have to go with a low interest loan, they said it's up to us whether we want to add that cost into the loan to the residents. There is nine houses involved in all this.

Commissioner Mourdock: You mentioned at the start of that, David, and I'm not familiar with this one, but you mentioned that Judge Tornatta was there, and several other people. So, there are some law suits—

Commissioner Mosby: There is law suits on this.

Commissioner Mourdock: Is the county a name defendant?

Commissioner Mourdock: Yes, we've been named, I think, at one point in time.

Philip Hayes: Well, they, they, technically it's the next thing to being named, but under a special procedure we were brought in as a necessary party. We've not been added—

Commissioner Mourdock: Okay.

Philip Hayes: —but we're certainly under strong obligation to be there as a...it's an unusual way to do it, but it's a better part of judgement. Joe Harrison has had this case going back into, I think, '99, David? Did they say?

Commissioner Mosby: I thought it was longer than that.

Philip Hayes: Was it longer than '99?

John Stoll: I think it's longer than that.

Commissioner Mosby: Yeah, it goes—

Philip Hayes: Yeah, probably.

Commissioner Mosby: —back.

John Stoll: They had originally looked at a Barrett Law, like David had said—

Commissioner Mosby: Right.

John Stoll: —and I got conflicting stories on why it never was designed. I guess one of the people involved had Morley and Associates go out and take a look at things, and then some bills were never paid is the way I was told—

Commissioner Mosby: Yeah—

John Stoll: —So, Morley has never continued with the process of looking at the project. That was the end of my involvement. At that time it was a Barrett Law project, and they were looking at trying to run it down the street, because there was no existing easements. Since the Barrett Law doesn't allow, really, for condemnation of an easement, it was all intended to go down the street right-of-way, but there again, there is the other problem with the street right-of-way it's not accurate. So, there were all kinds of problems in getting sewer out there.

Commissioner Mourdock: So, at this point, bringing this before us tonight, is the primary issue simply trying to find out what we might do by way of grants? Is that accurate?

Commissioner Mosby: What, I'm not sure if it's IDEM or INDOT, one of the two, what they were asking of this Commission is we have to be willing to put the money up for an engineer. We have to be willing to do the legal work out there, before we can even get the process started. A good possibility is, they think there is a very good chance of getting grants. If and when we get the grants, we would be paid back for engineering costs—

Philip Hayes: Soft costs.

Commissioner Mosby: —that we incurred with whatever company we choose, and we would also be paid back for the attorney fees. If we don't get the grants, then they are talking about looking for low interest loans that these people will have to sign off on, and we could add that cost in if we want. If we don't want, you know, we don't add them in to try to save the cost of the project. But they need a commitment. We have to actually file, I think. The way I understand it, this county has to be the entitlement body that files for the grant. So, that's why it was brought to my attention. I didn't get back with Judge Tornatta today to see if anything... I don't think Patty got any e-mails.

Commissioner Mourdock: So, the most we could hope to do tonight then would be to simply start the process to see what we might need to do by way of filling out the grant application?

Commissioner Mosby: I guess, the motion I would make that is that we accept the responsibility to do the legal work, and to get an engineer on board to get...we have to have a cost. Nobody actually knows what the cost is, because Morley went out there, but it was like a walk through type deal, from what I understand.

John Stoll: Right.

Commissioner Mosby: Nothing was ever designed. So, when we say \$150,000, we don't know if that's true.

Commissioner Mourdock: Yeah, and that's why I'm hesitant to do much more than make, start the process going tonight. I hate to have something in the record interpreted that tonight we're accepting the cost, when we're just hearing about all this. I'm certainly willing to look into it and find—

Philip Hayes: I think we can know by next week. I think by Monday—

Commissioner Mourdock: Yeah, that's fine.

Philip Hayes: –we could know, pretty much, the information you are talking about. I can get with the Judge tomorrow.

Commissioner Mosby: I mean, what do we want to know?

Philip Hayes: You want to know concerning what our odds are of getting back the money? You know that you need to be a sponsor, but–

Commissioner Mosby: The odds are we will get the money back if we get the grant.

Philip Hayes: And it's applicable–

Commissioner Mosby: But we can't even apply for the grant...what I'm saying is, until we decide if we are going to spend the money, everything is dead in the water.

Philip Hayes: So, it's an application need–

Commissioner Mosby: And we have to do the application. I mean, I will be very supportive of it. I mean, I've seen the lake, it's full. The wells are full. The only way to get the process started is for this county to take up on the challenge.

Commissioner Mourdock: I understand. The fact that the lake is full, regardless, no matter what the lake is full of–

Commissioner Mosby: I don't need to tell you.

Commissioner Mourdock: Yeah, I can assume, but it's also true the county didn't put it there. So, I just want to make sure we don't accept liability we don't have. Again, I'm not necessarily objecting. It sounds like what we need to do is start filling out the grant application. Start that process, and as soon as you get the grant application to, then we can vote on the thing, up or down, as to yes, we're going to do it, or no, we're not.

Commissioner Mosby: Okay.

Commissioner Mourdock: We just need to start with that. Is that right?

Commissioner Mosby: Yeah, we need....we need to be willing to take on the Rural Community Assistance Program, Todd Trinkle, was out there and then Steven Brock from–

Commissioner Mourdock: Petersburg?

Commissioner Mosby: Todd Trinkle?

Commissioner Mourdock: Yeah, is he on the Pike County?

Commissioner Mosby: He's out of, no, Indianapolis, Indiana. They are both out of Indianapolis. This guy was working on the program, this guy is working on the funding, the financing. We have to be willing to accept the cost before anything can go forward. I am willing to do that.

John Stoll: It sounds—

Commissioner Mosby: What I'm probably, yeah, I was going to say what will end up happening is I told them I would talk with you to decide who we want to get an as engineer and architect.

John Stoll: Are there any time frames on when it has to be filed by?

Commissioner Mosby: Last week. That was what I was told. This is considered an emergency, and that's the way they are stating it in Indianapolis, and they are trying to get some kind of okay's within two to three weeks.

John Stoll: So, we would need a reliable cost estimate, basically—

Commissioner Mosby: So we need to move. We have to have some type of reliable cost estimate, so that they know what they are actually applying for.

John Stoll: So, whatever consultant we select then would have to basically be able to get right on it, and not have any delays then.

Commissioner Mourdock: And if we do do it, and even make payment prior to getting reimbursement from the grant, is that coming from our budget? Or what budget are you—

Commissioner Mosby: I would propose taking...I would propose taking it out of Infrastructure or Riverboat. Water and sewer is infrastructure. Then reimburse it when it comes back in out of the grant. I mean, I don't know where else to take it from.

Philip Hayes: It...maybe it would be helpful if...I can, I know recall the details of the docket. This case is a botched subdivision that was done, and the people that bought the homes didn't even know there was no sewer there. What has happened is that the law suit was started because the jury-rigged sewage effluent device by one neighbor was alleged to be noxious and the other neighbor sued to stop that. In effect, what it was, it was diversion. Various engineering firms have tried to tackle this. They have measured it against the Barrett Law. The county has not been a party, because as you point out, this was a private property matter. Their legal strategy choices, as well as their, and I can't speak to the engineering choices, that would take a lot of the other people in this room, but in so far as the legal strategy choices were concerned, they are less than desirable. In fact, they are retarded. And as a result, the county finally was pulled in by the Judge as a third party, without naming us, but the Judge inherited the case just as we have, and finally said, you know, this is a health crisis out here. So, this lagoon that is being described as a lake, is not a lake, it's a lagoon, at this point, has polluted the area. Last year, 2000 or 2001, Commissioner Mosby asked me to take a look to see whether there were any contingency funds with the sewer, EMC operators. I was told where to go. We followed up on that, we've been told to go further.

Commissioner Mourdock: Make a return trip.

Philip Hayes: Deeper into the original destination. So, what it amounts to is that everybody is fit to be tied with it. Each time you move anywhere you're blocked off. We're not concerned about county liability, on a legal matter. If we were, if they attempted to force us to be liable, we would not be liable. In fact, the health

enforcement that's gone on, basically, makes these people homeless if they want to get going. They all, they can all be evicted, but the practice...I've investigated the practice on this in other surrounding counties. Warrick County has some situations similar to this, I can tell you, that is right against some very valuable property, which is going to come to a head before long, if you'll pardon the expression. There are other counties that have the same deal. So, I have to say that it does speak to crisis management at this point. I think our choices are basically either attempt to do what's available through this Rural Assistance...and it may be a tough fit, because I don't know that our county is a rural assistance county, however—

Commissioner Mosby: This project didn't qualify.

Philip Hayes: Yeah, did not.

Commissioner Mosby: It's only...this project is a—

Commissioner Mourdock: Did or did not?

Commissioner Mosby: It did not qualify because we're 45' from the city line.

Philip Hayes: Right.

Commissioner Mosby: The city line is actually right across the street, comes right up the middle of this lake, and you could go from here to the elevator and be in the city. I have talked with the city Water and Sewer Utility and they don't want anything to do with it. City Water and Sewer Utility has agreed to accept the line once it's laid, and they have agreed to take the maintenance on, and do the billing and everything. That was one of the other requirements we were going to have to have. I have talked to Jim Cameron down at the city Water and Sewer Utility, and John Rexing was on site.

Philip Hayes: The legal that's involved now, there has been some new legal brought in. There is new engineering brought in, and I think they are all working pro bono. I don't see where there is a quarter involved in it for any of them. It's not a productive piece of legal or engineering work. It's pretty much a disaster for us out there. So, if this...and how, I was not aware of the meeting and I'm glad that they got Commissioner Mosby out there, but I'm aware of the issues that have simply been kind of waiting for there to be a consensus developed among the parties, but I guess they finally, basically, said this is about it. So, that's where we are.

President Fanello: Let's move on. Do we need to make a formal motion?

Philip Hayes: Yeah, you need a—

President Fanello: Okay.

Philip Hayes: —to give a motion.

Commissioner Mosby: I make a motion that we work with Judge Tornatta, INDOT, IDEM whoever, to come up with an engineer, at their request, and they said they would get back with us, but I'll make a motion at their request that we come up with an engineering design and cost. We take the money from Infrastructure, Riverboat and that we work on the legals to speed this along.

Commissioner Mourdock: I'm going to reserve my right to object later on, but I'll go ahead and second the motion just to get the process working. I do have some real concerns, and I understand it's an emergency, it's, and I'm glad to know we're not having any part of the liability here, that's good to know, but I just want to make sure that we don't open the door for everybody who's got some septic problems to come to us—

President Fanello: Okay.

Commissioner Mourdock: —and say help us.

Philip Hayes: We can come back, I think we can come back to, before we get into, on an unlimited basis, we could stop (Inaudible. Mike not on.)

President Fanello: Okay, so—

Philip Hayes: This is going to take ten days to get things going.

Commissioner Mourdock: And that would be appropriate. That's what I'm saying, some time—

Philip Hayes: We can come in (Inaudible. Mike not on.) So it's not an unlimited commitment to (Inaudible).

President Fanello: So ordered.

John Stoll: I was going to say, get me the phone numbers of the people, and I can talk to the guys you talked to and at least try and find out what they need from us.

Commissioner Mosby: I was going to say as soon as they e-mail Tammy, I will have a list coming in the next day or two—

John Stoll: Okay.

Commissioner Mosby: —of everything they want us to start doing right away.

John Stoll: Okay.

Commissioner Mosby: Because they are putting this in as an emergency.

John Stoll: Okay. Yeah, you can just forward it to me.

Philip Hayes: This would hook into, this would hook into EMC's nearest (Inaudible. Mike not on.)

John Stoll: They've got—

Philip Hayes: It's going to be part of—

Commissioner Mosby: It's going to be gravity pull. No pump station.

Philip Hayes: Gravity pull, no pump.

John Stoll: They've got other lines out there, it's just it has to be extended out to serve these people.

President Fanello: Okay. Any more New Business from either of these Commissioners? I've got two things. I'll be as brief as possible. It's come to my attention, and I did not notice it before, but I had Tammy make copies of the travel claims that we've, that have gone through...people have not been submitting, I think we've gotten into the habit of not submitting receipts with the travel claims, and we are paying per diems without receipts. The travel ordinance that was approved back in '98 by the Commission did call for receipts. I think that's only prudent of us to require those receipts when we're paying a per diem amount. So, I bring this to everyone's attention. I just think that as we go forward, we need to make sure that we are requiring receipts.

Commissioner Mosby: What do we pay?

President Fanello: \$26 per day.

Commissioner Mosby: Well, if somebody requests \$26, how do we know if they spent?

President Fanello: We don't.

Commissioner Mosby: How are we paying that, Suzanne?

Commissioner Mourdock: It's in the per diem.

Suzanne Crouch: And Council back, I think it's been since this '98, there was some legislation, I would have to research it and pull it where Council went ahead and made some, put some mechanism in place to pay per diems up to \$26, but I'll have to research that.

President Fanello: Without receipts?

Suzanne Crouch: Because of state called meetings, and yes.

Commissioner Mourdock: This isn't the question here and I don't want to make this a long issue, but if the per diem is \$26 a day, typically, it's \$26 a day, whether they spend \$5, I mean, if we are going to have a per diem, a per diem is a per diem.

President Fanello: Well--

Commissioner Mosby: Well, per diem is up to and you approve the receipts.

President Fanello: I mean, we're going to go ahead and pay people \$26--

Commissioner Mourdock: (Inaudible. Talking over each other.)

Commissioner Mosby: Well, no, the city is per diem. I used to go on every city and town's convention, but you come back and hand out your receipts. If you had \$32, this only paid you \$26, but if you had \$15, they paid you \$15.

President Fanello: Yeah.

Commissioner Mourdock: Okay, then it's not a true per diem. Let's just use the word—

President Fanello: Okay, well, that's what we call it, and that may be...but I am not in favor of paying people an amount of money when we have no proof if that's exactly—

Suzanne Crouch: I agree.

Commissioner Mourdock: And I agree with that too, as long as it's not a true per diem.

President Fanello: Uh-huh.

Commissioner Mourdock: So, yeah, we need—

Commissioner Mosby: I don't have a problem with mileage. I don't have a problem with...and do you make them submit motel receipts?

Suzanne Crouch: Yes, they do the motel receipts, uh-huh. They do parking, typically, and—

Commissioner Mosby: So, you ask for receipts on all that?

Suzanne Crouch: Uh-huh.

Commissioner Mosby: You're just not asking for receipts on food?

Suzanne Crouch: Some offices do submit them, and some do not. I'm all in favor. I think that's what you ought to do is to give us the directive that—

Commissioner Mosby: Well, I'll make a motion tonight that we don't pay any per diem without receipts, and we only pay up to \$26.

Commissioner Mourdock: Second.

President Fanello: So ordered. The other thing, real short, I think each of you got a copy of the minority and women business owned plan that the Mayor had sent over. I did have a joint press conference with him last Friday, and told him I would bring it to this Commission for consideration, so you each have a copy of it, and we can talk about it at a later date. That's all I have to say about that.

Commissioner Mourdock: Motion to adjourn.

President Fanello: Second.

Commissioner Mosby: Second.

President Fanello: We'll take five minutes and we'll start Rezoning.

The meeting was adjourned at 8:25 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Sheriff Department	Superior Court
Surveyor		

**Travel Requests:**

Weights & Measures	Pigeon Assessor	German Assessor
SWCD	Health Department	

**Request for Service:**

Treasurer

**Auditor:**

Pass through of Indiana Criminal Justice Institute Grant App/Prosecutor  
State of Indiana IDGF Grant Agreement for Graham Packaging  
Declaration of Surplus Equipment  
Permission to Advertise Statement of Receipts and Expenditures and  
Wages and Compensation for 2001  
Pass through of Grant Renewal for Health Department

**Commissioners:**

St. Mary's Occupational Medicine- Letter of Agreement  
Lease Agreement for Space at Old Courthouse- Robert Pokorney  
Knight Township Fire Department: Adoption of VC Honor Guard  
Knight Township Trustee: Adoption of Township Standards

**Treasurer:**

Submit monthly report.

**DADS:**

Contract for Services for Medical Consultation

**Sheriff:**

Weekly jail information and reports.  
Interlocal Agreements: White, Spencer and Henry Counties  
Two EPA Applications for Reimbursement.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Joe Harrison, Jr.	Ed Hafer
Ken English	Alan Braun	J.T. Kinkle
Troy Tornatta	Jim Raben	Steve Bohleber
Alan Teeple	Steve Craig	Dennis Feldhaus
Bill Pedtke	Connie Whitman	John Stoll
Ralph Kissinger	Les Shively	Brad Ellsworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Vanderburgh County  
Board of Commissioners  
February 4, 2002**

The Vanderburgh County Board of Commissioners met in session this 4<sup>th</sup> day of February, 2002, at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: I would like to call to order the Commissioner meeting of February 4, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right Tammy McKinney, Superintendent; County Attorney, Phil Hayes; Commissioner Mosby; myself, Commissioner Fanello; Commissioner Mourdock to my left; Suzanne Crouch, County Auditor; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: First item, approval of minutes from January 28<sup>th</sup>.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Rebecca Gootee: Domestic and Sexual Violence 2001 Annual Report**

President Fanello: Next item, Domestic and Sexual Violence 2001 Annual Report, Rebecca.

Rebecca Gootee: (Inaudible. Not at mike.) As you all see, again, we have done a lot of wonderful things with the commission from the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence. I am going to leave this for your leisure to look through. If you have questions, I did put my card at the top. It is quite a large document. Just a couple of things I wanted to point out in there is that this is a collaboration from many, many agencies working to eliminate domestic violence in our city. We were able to have Karen Freeman-Wilson as part of our education committee join us in our annual luncheon to present to the city. We've looked at diverse areas that we were having gaps in. We've expanded our Evansville Police Department unit now to expansion of officers to cover larger areas of domestic violence, and will actually be forming a unit off-site to address those issues. So, there are many wonderful things that the commission has done last year. They've already set their goals in place, presented them to me for the upcoming year. I think that next year you will see another great report. So, please take a look at it. If you have questions, give me a call.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

**Request to Award Title Searches Bid  
for 2001 Expedited Tax Sale Properties:  
Mills Land Title Corporation**

President Fanello: Next item of business, Auditor.

Suzanne Crouch: Yes (Microphone feedback) I think I better step back a little bit. We would request that the Commissioners award (Microphone feedback) the title searches...may I use your microphone? We would request that the Commissioners award the bid for the title searches in connection with the 2001 expedited tax sale properties to Mills Land Title Corporation. They were the lowest and responsive bidder, and the only bidder.

Commissioner Mosby: Since it's the only bidder, I don't think it's going to be real hard.

Philip Hayes: The numbers that were in the bid appear to be consistent with prior years service. There is a tiered style fee. We don't have to have a full search on absolutely everything. It also appeared to be consistent with fees one could expect in title services through the tri-state area.

Commissioner Mosby: I will make a motion to award Mills Land Title Corporation.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**County Engineer: Lynch Road Project**

President Fanello: County Engineer.

John Stoll: I'm not sure if Phil has a copy of that. On the Lynch Road settlement.

Philip Hayes: You can go ahead, if you like. Or I can—

John Stoll: Basically, the condemnation suit was settled for an additional \$28,700 and some odd dollars. So, that right-of-way will be clear once the settlement agreement is signed off on. This will finally put an end to it after better than two years.

Philip Hayes: Yes, and for the record, a document has been prepared consistent with what the County Engineer has just stated. First of all, there was a dismissal entry received on the case showing that the final settlement amount was paid in, and that also a claim then will be filed through the project budget by the County Engineer to pay that \$28,000 amount. In addition, an agreement of the Board was also one of the conditions. That agreement simply is this, that the Board shall take no action which will deter an application to be made by the condemnee for a right-in, right-out access break. No action will be taken by the Board to impede the approval of the application. The Board does not have final authority, and that's the understanding

of all parties to this agreement. That any application will be conditioned on approval by both United States Department of Transportation and Indiana Department of Transportation and any other federal, state and local laws and ordinances. Finally, it's the understanding of the parties that nothing obligates the Board to expend public monies, or otherwise finance the desired access break. All of that expense is on the private property owner or it's successors and assigns, and this is the agreement of the Board only as presently constituted. It shall also be the agreement of any future Board, which may be constituted of other members. That would be the case even if we didn't say that in the agreement. It is a binding final part of the consideration for obtaining fee title interest to the right-of-way that was taken by condemnation, threat of condemnation and a law suit. It's to be signed, and I think it would be appropriate to have a motion on it's adoption. Then it's to be executed by the President on behalf of the Board, and approved as to form by County Attorney.

Commissioner Mourdock: Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: We did get the paperwork so we can issue the check for the Durchholz's. It will go through next week's meeting. We didn't get the court paperwork until Friday, so it was too late to get on this agenda.

President Fanello: Okay.

Philip Hayes: And—

President Fanello: Thanks, John.

Philip Hayes: —in addition, then, for the record, I will submit a copy of the judgement findings, and order of the court, along with the signatories, which are legal counsel for all of the parties involved in this case. That will conclude the matter. This copy is filed January 31, 2002, and become a part of our regular minutes of this meeting and the permanent minutes. Okay, and that's all, John? That's all we have.

<b>Joe Vezzoso: Executive Inn Skywalk</b>
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President Fanello: Joe Vezzoso.

Joe Vezzoso: Madam President, Commissioners. I stand before you tonight, hopefully, for ,maybe, the last official time on this matter, unless you all request us to come back. We have been to every board, I think, imaginable. City, county and before you all, and have received approval on all of the encroachments through the Board of Public Works, Building Authority, through you all last week. We have signed a contract with ARC Construction Company, a union contractor locally, for the construction of the skywalk that will connect the Executive Inn and the Centre. I think we have crossed every "t" and dotted, I think, nearly every "i". We come before you tonight to ask final approval, and to release the funds to Mr. Bays that he had requested a little over a year ago. I would say that we have worked very closely with the SMG Company that is running the Centre. We met with them last Friday, and they will be coming to each of our construction meetings, which occur at 7:30 a.m. every Friday. We are also working very closely with that group in sales efforts both

for, not only our hotel, but other facilities in the community when those conventions exceed the size that's needed for our total room capacity. So, we see great things ahead of us, and really the first thing that we are asked by every group is when the skywalk is going to be completed. The contractor indicates that it's 105 days from the date that we sign the contract, which was last, about a week ago. So, we're ready to move forward. I do have a full set of plans if you would like for me to leave them with you all so that you have a set in your office. I would be glad to. If you are going to not use them, then we can take them back. If you have any questions, I would be glad to try and answer them.

Commissioner Mosby: So, you are saying that in approximately three months the crosswalk will be up? The skywalk?

Joe Vezzoso: Yes, sir.

Commissioner Mosby: Okay.

Joe Vezzoso: 105 days exactly.

Commissioner Mosby: When did you say you met with SMG?

Joe Vezzoso: Last Friday.

Commissioner Mosby: Okay, this past Friday.

Joe Vezzoso: Yes, sir.

Commissioner Mosby: Okay, because I had talked with them, and it didn't seem like there was much dialogue there.

Joe Vezzoso: No.

Commissioner Mosby: At the point when I talked to them.

Joe Vezzoso: Yeah, we didn't until we executed the contract. Then we met with them to make sure the contractor knew who they contacted at the Centre. We want to make sure that neither facility, when there is a major event going on, that anyone is displaced. We have indicated to the contractor that they have to take special caution for protection of tile work and carpeting in that building. Both Sandie Aaron and Rob Seitz were at that meeting, and they will be at every meeting, one of them will be at each meeting on Friday mornings.

Commissioner Mosby: That's fine.

Commissioner Mourdock: Regarding the copy of the plans, Joe. You know, they are probably of less value for us in this office. If you'd leave them, then we'll make sure they do get a copy across the street, unless they already have one. SMG, do they have a copy?

Joe Vezzoso: I'm not real sure, but if you, I mean, we'll make sure they get a copy, if they haven't already got a copy.

Commissioner Mourdock: They definitely need a copy.

Commissioner Mosby: I guess, with knowing that we've executed a contract with ARC Construction, and there has been dialogue with SMG, and you will continue to work with SMG, I would make a motion that we release the funds to John Bays for the Executive Inn project.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Joe Vezzoso: We want to thank you all very much, and we look forward to working with the County Commissioners and also SMG to bring a lot of conventions to Evansville, and help pay for the Centre. Thank you all very, very much.

Commissioner Mosby: We appreciate that.

Joe Vezzoso: We appreciate it.

President Fanello: Thank you, Joe.

<p style="text-align: center;"><b>Steve Craig: Request for Proposal VC15-2002: Burdette Park Concessions</b></p>
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President Fanello: Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. What I have is the Request for Proposal for the Burdette Park Concessions. I had got with Phil and we had made the corrections that you had requested.

Commissioner Mourdock: There is one correction on, it is labeled page 13 of 1, regarding the RFP. The point I brought up last week, Steve about any questions regarding the RFP will be directed to you, and I had said we wanted to make sure that language is, it will be directed to you in writing, and answers provided to all the respondents.

Steve Craig: Oh, okay. On page 11 dash one, I had added that the responsibility of vendor to provide contact information, and I added in writing there, and the modification of withdrawal on proposal, I put the writing in there.

Commissioner Mourdock: Okay, well just add it to the question—

President Fanello: Uh-huh.

Commissioner Mourdock: —you don't need to resubmit this to us, just go ahead and—

Steve Craig: On page 13?

Commissioner Mourdock: It was the question regarding the RFP?

Steve Craig: Okay, I made the other two, and I didn't get that.

Commissioner Mourdock: And, again, if someone submits something to you with a question in writing, whoever else responds to it, make sure you send a copy of the

question and a copy of your written answer, so everybody is dealing off of the same deck.

President Fanello: When are these due back?

Steve Craig: Pardon me?

President Fanello: When are these due back?

Steve Craig: Well, we haven't put the official time--

President Fanello: Oh, yeah, put the date on there, okay.

Steve Craig: Find out when we'll advertise them, and then I'll get the copies.

President Fanello: Okay.

Commissioner Mourdock: How long will it take someone to respond to this?

Steve Craig: I think it would be two weeks.

President Fanello: He needs a motion.

Commissioner Mosby: Yeah, I'll make a motion that we instruct the Burdette Park Manager to go out and send out the Request for Proposals for Burdette Park Concessions.

Commissioner Mourdock: With that last modification?

Commissioner Mosby: Yes, with the modification that it be in writing, on page 13.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Phil Hayes: Permission to Advertise Ordinance to Establish  
the Old Courthouse Advisory Board**

President Fanello: Phil Hayes, permission to advertise ordinance, first reading, permission to advertise ordinance on first reading to establish the Old Courthouse Advisory Board.

Philip Hayes: Yes, this, the title pretty well says it all. This proposed ordinance was drafted, actually, a lot of work by Tammy McKinney, who's been handling this, and it amends the Code in order to establish an advisory board. The purpose of it is to manage the day-to-day operation of our Courthouse. To carry that out, the ordinance actually sets out various jobs that this particular board will do, in some detail. In summary fashion, it analyzes and considers and reviews current operations, the use of the zero base budget approach, necessity of repairs evaluation, savings to be realized, the utilization and development of the Courthouse facilities as well as personnel, alternatives and citizen recommendations. It makes reports and recommendations to the Commissioners, and, Tammy, would you, for the record, wish to further speak to the ordinance, as far as informing the

Commissioners as to it's anticipated use? That is the advisory board. You don't have a prepared speech?

Tammy McKinney: Can I say no? As far as, you want the annual--

Philip Hayes: Who the members are, maybe, that would be good to, who you propose to be members. The five citizens.

Commissioner Mosby: We don't have any.

Tammy McKinney: Huh? What did you say?

Commissioner Mosby: I don't think we have any (Inaudible), do we?

Philip Hayes: You are proposing to the five citizen members will constitute the board.

Tammy McKinney: Right, but I haven't--

Philip Hayes: No, I didn't mean the names--

Tammy McKinney: Oh, okay, that's what I thought.

Philip Hayes: --I'm sure you hadn't. Yeah, any recommendations, but if you, what the advisory board consists of.

Tammy McKinney: Okay, the advisory board consists of five citizen members; two members appointed by the Commissioners, two directors of the Old Courthouse Foundation appointed by the Commissioners, one member appointed by the Vanderburgh County Council. Is that--

Commissioner Mourdock: Just so I understand the wording in number two, this Board appoints the directors to the Old Courthouse Foundation?

Tammy McKinney: Right.

Commissioner Mourdock: Then--

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Okay, then we have a--

President Fanello: The Old Courthouse Foundation is a separate not-for-profit board. They have specific, and did you get a copy of the by-laws?

Tammy McKinney: They will have a 501-C3.

Commissioner Mourdock: Right.

President Fanello: Yeah, they have a specific designation of who can be a...all we're saying is that we will pick two of those members from that board to be on our board.

Commissioner Mourdock: That being the reading of that, then that is kind of unusual. I mean, I don't know that it's a serious flaw, but normally when you set up a board like that (Interrupted by cell phone ringing in room)...when you set up a board like

that, you give them the discretion to appoint their own people. Is there a reason why we want to cherry pick off their board?

Philip Hayes: I think the logic, if I could respond—

Commissioner Mourdock: Sure.

Philip Hayes: –Madam President? The logic of it was this. The 501-C3 has to maintain its integrity as a tax exempt organization so that no governmental unit, having any control, particularly budgetary control, in the manner that the county does, would have any influence over how it disposes of its charitable raised money, and how it executes on its defined purpose. The county, nonetheless, has a responsibility to execute governmental functions as to the building itself, and the real estate, its budget that's provided by the government, such as it may be from time to time. So, the idea was to establish two different ones. The communication between the two is not unlike that that the Parks Foundation, as an example, has with the Board of Park Commissioners in the city. There are other ad hoc 501-C3's that we know about; the Zoo has had in the past, and, I think, does now. So, it was an attempt to try to capture the best of those concepts, as I understand it from the drafting that was done. This was the starting point. Certainly, it can be modified anyway you would wish to do it, but the idea was that the foundation wanted to have some participation from appointees of all the governments. In fact, the city, I believe, will have appointments on the 501-C3 organization. That is the Courthouse Foundation. That is reconstituted. Its board of directors reconstituted that entity, and amended its by-laws in order to accomplish that.

Commissioner Mourdock: Okay, and what are you thinking of in terms of these numbers? I didn't see anything in here. Are these people on this thing—

Philip Hayes: I think that's certainly can be a matter to fill in. Do you have a preference, Tammy, from your experience as to the terms that you wish?

Tammy McKinney: As far as the two directors from the Courthouse Foundation?

President Fanello: Any of them.

Philip Hayes: On any of them, yeah. For how long you wish for them to serve? I think it says, shall be appointed and serve at the discretion of the respective appointing authority for the duration as provided herein. So, I suppose the idea would be to replace them on a discretionary basis without regard to time. So, no term or term limit was written into this document.

Commissioner Mourdock: Well, I'll just, and I don't know if we need final, permanent action on this tonight, but I would suggest for the terms that we do as, again, with most of our other boards, that we set it up so that we stagger them. So, that we have, you know, some continuity on that board. Otherwise, if I understand what Phil was just saying, in a whim, a new Commission could replace all those people.

Commissioner Mosby: Uh-huh.

Commissioner Mourdock: At least if you had some staggered terms there is some continuity across the board.

Commissioner Mosby: I'd say do them one, two and three year terms.

Commissioner Mourdock: Yeah, that would be fine. Just some sort of duration in sight.

Philip Hayes: So, that would necessarily amend the section that you observe, section 2.78.030, appointment of members. It would be appropriate...this is really in the way of drafting, and if you wish to do that, we would still request that the board grant permission to advertise on first reading with this. I think it would be appropriate then if you have a motion to state that we draft the appropriate language into that section at the point where, shall consist of five citizens, and then subsection B, members shall be appointed and serve without compensation, and at that point the insertion that's stated can be placed in.

Commissioner Mourdock: I'll move that we go ahead and advertise this with the understanding that prior to final reading such language be inserted as 2.78.030 (b).

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Tammy, will you have that on disk for me to provide to the Courier? Do you have that?

Tammy McKinney: I do. I have it on my computer.

Madelyn Grayson: Okay, thank you.

Philip Hayes: Then the staggered terms, if you want to clarify the, as to how many would be appointed for one year, two years or three years, and which appointments those will be.

Commissioner Mosby: I was going to say, we can get back with you with that information before next week.

Philip Hayes: Actually, if we are going to, if we would advertise it on first reading, we would need to have that by tomorrow, wouldn't we?

President Fanello: Well—

Commissioner Mosby: Well, you can amend the language can't you?

Philip Hayes: Well, you would have to re-advertise again then, it would be with the amended language. You can draft tonight—

President Fanello: Well, this is just first reading, right?

Commissioner Mosby: I was going to say, this is just first reading.

Philip Hayes: Well, I understand—

President Fanello: Or it's not even first reading. It's permission to advertise first reading.

Philip Hayes: It's permission to advertise for first reading, and that's why if we have a language change, it might be more efficient to go ahead and insert the language consistent with the Commissioners motion, and then take care of that. I think, take

care of the advertising, but what would be appropriate would be to suggest the language, or agree on the language that you would like to have as far as the, which members would have which terms.

Commissioner Mosby: You are saying we can't advertise this without that?

Philip Hayes: Well, you would have to—

Commissioner Mosby: (Inaudible. Talking over each other.)

Philip Hayes: —if you amend it, if you amend it on second reading, I think, then you would have to go back and re-advertise. Is that correct, Madam Auditor?

Madelyn Grayson: Yes, but the way the meetings fall this month, if you, we would have to advertise ten days prior to this being heard. So, even if we advertise by the 15<sup>th</sup>, we could still hear the first reading on the 25<sup>th</sup> of this month. That would give you time to amend it and bring it back next Monday.

Philip Hayes: Alright, good. That's fine then. We'll go ahead and re-draft, and we can—

Commissioner Mosby: I never heard of this.

Philip Hayes: —as you may wish to do then. So, we'll have an extra week then.

Madelyn Grayson: Yes, because we don't have a meeting on the 18<sup>th</sup>.

Philip Hayes: Okay, we don't have the deadline then.

President Fanello: Okay.

**Phil Hayes: Request for Proposals for Transportation Services  
for Elderly and Handicapped Citizens**

President Fanello: Next item, Request for proposals for transportation services for elderly and handicapped citizens.

Philip Hayes: An RFP has been authored, and that's in your packets. It proposes that a deadline date be established for seeking those proposals, and they need to be from qualified vendors for transportation services to the elderly and handicapped citizens. The Board reserving the right to reject any and all proposals. The scope of services is set out as to those specifically providing services to elderly and handicapped citizens of Vanderburgh County not residing within the corporate city limits of Evansville, where either the trip origin or the destination is outside the city of Evansville corporate limits. Those services would be available Monday through Fridays, between 8:00 a.m. and 5:00 p.m. A bond is required, 110% of the total contract price. The usual proof of general liability insurance in the amount of \$1 million per person, and an aggregate of \$2 million per occurrence. This will require the contractor to have available for servicing a sufficient number of vehicles, which would be accessible vehicles for the elderly and handicapped. Those vehicles used for transportation of handicapped citizens equipped with wheel chair lifts and tie downs, and the drivers have those valid public passenger licenses, which allow transportation of the passengers described. Radios involved for communication.

The specific proposal will set forth an amount and manner in which the contractor is to be paid for these services. The term would be for a period of one year, with possible renewal upon mutual agreement of the parties. Then, of course, the usual requirements of naming the principals, background information of any entity wishing to make a proposal, includes, but not limited, to the number of years experience in such transportation services business, and whether or not any other contracts of similar nature are held or were held by the entity. This is the RFP then for the contract, the same services which previously, I think, the contract was held by company, A.S.A.P. That's the complete request as drafted.

Commissioner Mourdock: I'll move the proposal, or move the advertising for the Request for Proposal for the Transportation Services.

Commissioner Mosby: Second.

President Fanello: Before I say so ordered, who will insert the dates? This has blanks as to when it's to be submitted, and the issue date. Will you do that, Madelyn?

Madelyn Grayson: I'll need that provided to me.

Philip Hayes: Yeah, it's your discretion—

President Fanello: Okay.

Philip Hayes: —as to when you would wish to have the respondents submit any proposals.

Commissioner Mourdock: Yeah, I would suggest that we go ahead and use 30 days after this thing is issued that we need proposals back by then.

President Fanello: And...go ahead.

Commissioner Mourdock: And I was just going to make reference that if this thing goes out as is, obviously, this was contemplated to be done last month. So, there is a couple of spots that we need to change January to February.

President Fanello: And the time from 6:00 to 5:30.

Commissioner Mourdock: Yes.

Commissioner Mosby: Okay.

President Fanello: I'll say so ordered.

Madelyn Grayson: Phil, can you just provide that to me on disk? That way it will be ready to go to the Courier.

Philip Hayes: Yes, we will do that. We will fill it in. The 30 days, as clarification, Commissioner, you want that 30 days after the last date of advertising?

Commissioner Mourdock: Right.

Philip Hayes: Okay, so we'll calculate that then.

Commissioner Mourdock: We don't have any conflict with the current service, because we are not getting the current service, correct? As far as one contract ending and this one beginning?

Philip Hayes: No. That's pending. We've not entered into any mutually agreeable extension of the last contract.

**Fall Craft Show Proposal**

President Fanello: Okay, next item, Vicki Bohleber, Fall Craft Show Proposal.

Steve Bohleber: Hi, I'm not Vicki Bohleber.

President Fanello: Boy, I was going to say, you sure do look different.

Steve Bohleber: I'm Steve Bohleber, and to clarify the record, Vicki is not my daughter, although she looks as though she could be, but rather my wife. Seated next to her is a lady named Theresa Blankenberger, and it's Vicki's sister, as you can probably tell by looking at them. I'm here because I'm the family lawyer. The craft show is something that I've lived with for 25 years, it seems. Just a little history of this craft show, 2001 would have been the 25<sup>th</sup> anniversary of the Old Courthouse Craft Show. At it's peak, it had become one of the three largest craft shows in this area; Big Rivers over in Audubon Park and the 4-H being the only one's that rivaled it. It had become a holiday tradition. I think my wife, my client, introduced this to the Commissioners back in November, when a letter was directed to each of you, that she authored. I apologize, I don't have a copy of that here today. It looks like my son-in-law worked on the computer, and it's no longer in existence. The letter, basically, resulted from a lot of the crafters coming to Vicki and Theresa, since they promoted other craft shows, asking for them to approach the county about resurrecting that show, and seeing that it continued, because it was a significant source of livelihood for many of those folks that had depended on it in November of every year for a part of their income. They came to Vicki and Theresa for a couple of reasons. Even though it's a self serving statement and I may be prejudiced, they are probably the people with the most experience at promoting a variety of craft shows in this area. Theresa promoted Infa Life Seekers Craft Show. Started it, created it, turned it into a very successful venture for that organization. A few years ago Vicki and Theresa were asked by the original promoters of the Golden Harvest Craft Show at Ellis Park to undertake that. They took a struggling craft show that was near collapse, with a lot of unhappy crafters, and not only returned it to it's former strength, but improved upon that. Improved upon it to the point that Ellis Park, which is the Churchill Downs Corporation, wanted them to do more craft shows in the off-season at the park. In addition to promoting these matters, these shows, my wife filled my basement for 25 years or more with ceramics that she crafted and sold at all the craft shows. These ladies know all the crafters. They know the peculiar business of craft shows inside and out, as both participants and promoters. They interact with these people at most all the craft shows today. The crafters themselves asked these ladies if they would step up and help the county continue on with this tradition. This is an important craft show, because, among other things, it gets people downtown. It gets people downtown in the Old Courthouse. It really became a regional attraction and a tradition. People marked it on their calendar from year to year. Crafters historically came from four or five states, and spent a couple of days here. Stayed in our hotels, spent money at our businesses, introduced themselves to Evansville. That was an ever changing number of people,

and sometimes they will tell you that they've had inquiries, you know, from Pacific Northwest about coming to craft shows in (Inaudible) Indiana. Not only is it an attraction for, that helps the city with the crafters, but a lot of patrons make it a day as well. They spend their money not only at this show, as they introduce themselves to the Old Courthouse, but also the mall and other places. Another thing this does, from your perspective, is it makes money, directly to your perspective, it makes money to help support the Old Courthouse. You know, aesthetically, it provides and continues a tradition of holiday entertainment that people have come to enjoy. Another thing that Vicki and Theresa are offering, and that will benefit the community, is and historically there have been concessions, all these places offer concessions, food. They did it, in fact, Sheriff back here used to pop popcorn at the Old Courthouse Craft Show, and he became pretty good at it.

Commissioner Mourdock: And look where he is now.

Steve Bohleber: And look where he is now, that's right. That shows you, if you participate in this show, look what it can lead to. Dealing with things like the jail, I suspect, but anyway. They want to involve not-for-profits that they've dealt with from the high schools, in particular, to sell the concessions at no cost to them, so they can make money for themselves as well. The proposal, I think, we've met with Commissioner Fanello earlier and gave a written proposal and contract form for your consideration. Was that passed out to all the Commissioners? I have a revised version, changed only to the extent that I have both of their signatures on it, rather than an agency capacity. The proposal itself is to let them use the Old Courthouse for three days, November of 2002, for this show. It spells out the booth rental that has historically been charged here. It allows them to keep 60% of the booth rental, giving 40% to the county. 100% of the electric charge, that's always been charged at \$5.00, would come to the county. We hope that you will allow these ladies to do this. There again, it wasn't necessarily their idea to even come to the Commissioners, but rather the crafters that approached them at the Golden Harvest show last Fall, and at other craft shows wanting them to do it. There is some urgency to this. I know you are just getting ready to start a new not-for-profit to operate this facility, at least manage it on a day-to-day basis, but the urgency is this is a year round thing. People that have come to this show are already setting their schedules for 2002, the crafters. The way that they found most effectively to recruit people is to walk all the craft shows in the area, and talk to them, and say, you know, they've been doing this even this past weekend to promote the Golden Harvest Show. They would have loved this past weekend to say and also we now have the Old Courthouse Show, here are the specifics. They work on these people time and time again. That's the way at the grass roots level you build up participation from the crafters. So, our proposal does have, comes with some degree of urgency. We hope that you will consider it. My client is ready to sign an agreement with the county. They are here to answer any questions too, because I have told you everything I know about craft shows.

Commissioner Mosby: I think you answered my first one, I was going to ask you what month the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> you was talking about, but—

Steve Bohleber: November.

Commissioner Mosby: Okay.

Steve Bohleber: I'm sorry, it's November 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>.

Commissioner Mosby: It just says Courthouse on the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> of 2002.

Steve Bohleber: Oh, it does.

Commissioner Mosby: So, I was just trying to figure out–

Steve Bohleber: Yeah, well, you know, I drafted this, David, so–

Commissioner Mourdock: Family lawyers. You get what you pay for.

Steve Bohleber: You get what you pay for, yes, that's true. I'll regret that statement, I'm sure. That should be the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> days of November, 2002.

Commissioner Mosby: Okay, November.

Steve Bohleber: I apologize, yeah.

Commissioner Mosby: I guess, the other thing that I'm concerned about, you get 100% of the admission fees.

Steve Bohleber: Right, it's a buck.

Commissioner Mosby: I knew what it was, but why don't we get 40% of that too?

Steve Bohleber: Well, we're providing all of the employees to run it. We're going to have people at every gate. That's probably going to take care of the overhead costs. We don't know how many people come to the show, nor do we know how many people are going to come in 2002.

Commissioner Mosby: I just happened to be able to come across some of the records, so I got a pretty good idea. We just got access to them about three or four days ago. So, well, because I see in here where the county is going to have to move the necessary equipment, and otherwise effectively promote the show, provide it's maintenance staff for clean up and all this. I mean, we pay the guy over there is union. You know, I'm going to be protecting the county's interest here, and we're going to have to negotiate this according to our costs too. You know, not only your costs, so. I mean, I'm more than willing to look at this, and more than willing to agree to it, but I don't, I think right now the terms more favor you than they do me.

Steve Bohleber: Well, but they are also taking a risk, because last year one reason people came to these folks is because they were very unhappy with what happened last year. They may be taking a big risk here and spending a lot of money, and in 2002 not be as successful as it was five years ago. It may take a couple of years to build this back up. They are going to be paying the insurance. They are going to be paying all of the advertising costs. They are going to be paying everything else, asking the county to just plug up the electricity and open the doors, and clean up the small remains that will be behind. Most everything is going to be picked up.

Commissioner Mosby: Well, we'll have to have somebody on site all three days if you are going to be there, so.

Steve Bohleber: Probably that's true.

Commissioner Mosby: You know, it's going to be expensive. Like I say, I'm willing to look at it, but I'm not going to agree to this document as it's written.

Commissioner Mourdock: How does this, Tammy, affect the people who are over there and doing business in the Old Courthouse? I mean, the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> is a Friday, Saturday and Sunday.

Steve Bohleber: Friday would just be after hours for them to set up for the Saturday and Sunday show. It would be after business hours, so we can certainly amend the contract to so reflect that. I don't know of anybody that has a Saturday business.

Tammy McKinney: Not on a regular basis. I do have some tenants that come in and work, but the Court, after the craft show this past year, I didn't have any complaints. I hadn't heard of any complaints about the—

Steve Bohleber: Historically, there have been some businesses that have operated, the doors aren't locked, and they've been able to peacefully coexist.

Commissioner Mourdock: Okay.

Steve Bohleber: I think that's a minimal concern, and certainly something that if it becomes a concern can be individually addressed.

Commissioner Mosby: It didn't seem to be a problem. I went by there this year, and—

Commissioner Mourdock: I guess, I have the question that I've posed before as far as what is our plan for the Old Courthouse? How all of this comes into play? Are we kind of for cross purposes using it for this type of purpose as well as the more commercial use that we have now versus whatever our longer term use might be? It also begs the question, we have a nice facility that we really set up across the street, meaning that way, with the idea that it would be for all types of trade shows, convention shows, craft shows. Has there been any discussion with the folks over on that side of the street?

Steve Bohleber: I would venture to say that their rent is cost prohibitive to the crafters as well as any promoter. That would be my thought.

President Fanello: I was just going to comment to that. I don't know why we wouldn't want to, I guess, promote the historic building and have people come through for a craft show. I think that is very in line no matter what we are using the Old Courthouse for. Just to promote, you know, it's being there, it's historic perspective.

Commissioner Mosby: One other question that I had thought about as I was reading this, and I know they used to use the Coliseum too.

Steve Bohleber: Uh-huh.

Commissioner Mosby: It's going to have to be written in here that you are going to be responsible for the lease of the Coliseum, because that goes to the Veterans.

Steve Bohleber: If, in fact, that was an overflow. Don't know if it's going to be an overflow this year. It evolved as an overflow from the Old Courthouse, and that may require some negotiation with them, but, again—

Commissioner Mosby: I do know they have their own concessions at the Coliseum, so. I mean, my wife goes to this thing every year I hear about it. Or I see the end

result, I should say that. It's when the check book, you go to look at the check book. The end result.

Steve Bohleber: Tell us what to do. Unfortunately, from their perspective in this business, if it's not done quickly, it may be lost for 2002, as these crafters line up other Fall shows that weekend. They're not going to be here. They are going to be in Champaign, Illinois or Nashville, Tennessee or a variety of other places that weekend if we don't strike quickly.

Commissioner Mourdock: One other question, and I know we don't know the answer to this, but certainly the Commission has asked the County Council to come forward with some form of budget for us to work on so that we might redo some things at the Old Courthouse. Do we have any idea what the schedule might be for making those improvements? Fixing the roof for instance? How might that fall into play with this?

President Fanello: I have not received any confirmation from that, but—

Commissioner Mourdock: I understand. It's a rhetorical question. I understand.

Steve Bohleber: We have a lot of rhetorical questions here, because there are a lot of things we don't know about this process. These ladies are willing to try, and take a risk and gamble to bring it back, because of something the folks they deal with want to see happen, because it's hurt their livelihood if it's not going to continue. You won't believe the nasty phone calls I overheard the end of because it didn't happen last year as it had for the 24 years before that. So, what's your proposal, Commissioner Mosby, in terms of resolving, and other Commissioners, in terms of resolving these issues on a quick basis? I mean—

Commissioner Mourdock: On a quick basis, let me make this suggestion. David, it seems that you have the most background with this. I would suggest that Commissioner Mosby deliberate—

Commissioner Mosby: Spent the most money maybe. I said, I spent the most money.

Commissioner Mourdock: That's the same thing.

Steve Bohleber: Well, maybe we should negotiate with your wife, David, how does that sound?

Commissioner Mosby: No.

Commissioner Mourdock: I would suggest that Mr. Bohleber and David have some phone conversation—

Steve Bohleber: Sure.

Commissioner Mourdock: —as far as what your thinking is on what the terms of the lease might be, and if something is drafted, can be brought back to this Board for consideration.

Steve Bohleber: Okay.

Commissioner Mosby: I would be more than happy.

Steve Bohleber: Alright, I'll probably give you a call in the next two days then.

President Fanello: So, was that a motion?

Commissioner Mourdock: So moved.

President Fanello: Do you want to second that motion?

Commissioner Mosby: Do I get out of it if I don't?

President Fanello: No, because I'll just second the motion.

Commissioner Mosby: I second the motion.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

**(Tape changed)**

<b>Site Selection Process - County Jail</b>
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President Fanello: The moment we have all been waiting for, Site Selection Discussion, Jail Project.

Unidentified: Can we do this at the jail?

President Fanello: Can we do this in the jail? This is on the agenda to continue discussion about site selection for the jail project. Just my thoughts in general, there has been a lot of talk about the back forty and I think that before we move to consider any type of green field site, we need to either rule in or out the back forty. So, I guess that I would like to hear what everyone's thoughts are at this point.

Commissioner Mourdock: Let's define back forty. Do you mean by back forty, basically the Building Authority property? Which could mean either what we think of as the back forty parking lot or the Courts parking lot.

President Fanello: I'm personally talking about this parking lot back here.

Commissioner Mourdock: Well, then by definition, I will talk about the Courts parking lot.

President Fanello: Okay.

Commissioner Mourdock: I think that the Mayor made a reasonable point when he suggested that doing something out of the back forty might in the future preclude what we do with Main Street. I think the current back forty is ultimately what the county needs to do or the place, the City-County Building Authority needs to come up with a parking garage. I think that the better site would be the Courts parking lot, both for its immediate location next to the Courts building and also that it provides us with other options for the back forty in the future. That is my feeling.

President Fanello: Okay, and that's your first choice?

Commissioner Mourdock: That's right. That would be my first choice. In going along that line of thinking, I think that the back forty would be my second choice, provided that we find some way to leave the possible access for Main Street out there and also come up with a plan on an adjacent property to do the parking garage. I mean, we have to have that parking. The parking spaces for this building, for the Centre, and I think it is incorrect for us to try and make that two separate discussions.

President Fanello: Oh, most definitely.

Commissioner Mourdock: We need to do those at one time.

President Fanello: Commissioner Mosby?

Commissioner Mosby: I don't know that the Courts parking lot would be big enough, I guess, I mean, I would say that I like the back forty and the back forty is probably my first choice. My problem is that I don't know what we are building yet. If I knew what we were building, I guess, I would have more of an opinion on whether I thought it was possible or not. I really do hope for that to happen this coming Wednesday when the Council will give us its scope, as I would call it, once they determine the price. I think we handed the Council a paper with four scenarios on it last week and, Commissioner, I think it is on your desk tonight, but depending on what price the Council comes up with on Wednesday is going to give us a scope of the project. If the Council sticks to the \$35 million, I don't think it would be hard to just put a jail only, possibly, in the parking lot of the Court building. Which is not going to leave much for future expansion. Which would bother me. Or put it on the back forty. If the Council decides to spend more, and we go with jail and juvenile, or jail and community corrections, I would leave it up to the consultants, the architects and the engineers to tell us that the back forty is big enough, and whether it would be able to be expanded in future years. If not, then there's the possibility that we have to go off site and look somewhere else. I guess, I am more waiting than anything to see what the Council comes up with on Wednesday, and let's us know if we are looking at a jail, and whether we are going to do away with Community Corrections and phase it out or whatever. I mean, because, I guess, I will go ahead and say this, it is my feeling that we are going to have to do something with Community Corrections. If we are going to build just a jail only. I think with what you read in the paper this morning, with the insurance and everything that we have to seriously come back in here after they make their decision and decide where we go with Community Corrections, and whether that would be phasing that out by the end of the year.

President Fanello: My feelings, my first choice would be the back forty, but I don't, I believe, that the Council is going to stick with \$35 million. That was the consensus last week, and I don't see that changing, unless a miracle happens. \$35 million does not leave us any money to go out and buy land, and that is the down side, because that will not leave us enough money to construct what United proposed that we could construct for \$35 million. But, it would probably be more, less expensive to go out and buy land than it would be to construct a new parking garage. So, you know, pro verses con there. I think that we need to have some kind of direction where we are moving. I don't think that the Court parking lot, personally, is going to be adequate enough, because it is not going to leave room for expansion.

Commissioner Mourdock: May I answer that one? Because David mentioned that too. I don't think that we can shade our thinking inside that box, because there is property across, what is that Ninth Street? Across Ninth Street where the cleaners

is and several other buildings. You know, I don't think that if you build it in the Courts parking lot that you necessarily take away any possibility of expanding it in the future. Granted that ,yes, you would have to buy other properties, but, depending on how you build this, no matter where you build it, how you expand it is still going to cost you some money. So, what you save in the beginning by starting on this verses a green field project, I think, could easily be justified. To say that you can't expand it, let me come back to one other thing, to say that, well David, I give you a gold star for consistency, which I value when a person is consistent, you have said from the beginning that you did not want to pick the land until you knew what you were building. My position has been somewhat opposite of that, thinking that we know what land we have, is going to affect how we design it. So, we disagree, but we are both consistent. I think that if you start with something like the Courts parking lot, it may take you several levels but I clearly think that space is there. That would also allow you a greater option of using some of the existing jail space for maximum security space. So, I don't think that it is, I don't think it is unreasonable to say that if you put it there you can't expand it at some point in the future.

President Fanello: I would like to hear from Sheriff Ellsworth, on what your thoughts are.

Commissioner Mosby: Commissioner, while he's coming up, I think that one of the reasons I said that, and I am waiting for an answer, you know, from the Council on what they are going to do. Because the important thing that I see here is Community Corrections. If we are going to do Community Corrections, I would want to build the jail to where we could do Community Corrections, where it can be serviced on the same facility as far as the kitchen and laundry, and we would build all of that big enough.

Commissioner Mourdock: And I understand that. In my way of thinking, and reading what the Council has said, and what they are going to do in the future, I don't right now know that we can look at Community Corrections as being part of this project. Am I saying let's do away with Community Corrections? No. I am not saying that, but I am saying with this project, I don't know that we will have the funds to do both.

Commissioner Mosby: Well, and if we don't, I think seriously we have to look at that. Because what I am hearing from, you know, our insurance agent over at ONB, and the problems that he went through this year trying to get insurance for Community Corrections and the Jail, and Community Corrections due to the fact that we've had so many claims over here, and I guess we repaired the roof or replaced the roof three different times, that I don't think we will get insurance in the future. If we do, it is probably going to be worse that 44% increases.

Commissioner Mourdock: Yes, and again, I understand that, and I am not disagreeing with that. I am simply saying, to include the Community Corrections component with this brand spanking new \$35 million project, probably isn't going to work. I am not, in my own mind, precluding doing something else with Community Corrections, in some other facility or trying to work with the Judges on a greater basis with Day Reporting and those kinds of things. So, yeah, we are going to have to do something with Community Corrections, I just don't know that it can be in the same building.

Commissioner Mosby: If they are going to allot money for Community Corrections then I wish they'd do it on Wednesday. Because I would like to do this project as one and service it all in one facility with one kitchen, one laundry room, rather than

spend twice the money and try to do as the Sheriff is doing right now. You know, you are securing a building over there and a building over here. I mean, I wish that if they were going to do that, you know, they would tell us that Wednesday. If they are not going to do that, then we need to be giving the Judges some direction on where we are heading with on Community Corrections.

President Fanello: I completely agree with that. I think that we are just exposing ourselves or exposing the taxpayers to a lot of liability with the current Community Corrections facility that we have. Like David said, if they are not going to allot money with this project, I mean I don't want to see them come down the road six months later and say, well, I guess we do need to build a Community Corrections facility. then it's, you know, we are at a loss for time and things have gotten out of whack. so, I agree with what you are saying that we will have to take a look at that very shortly. Sheriff?

Brad Ellsworth: Okay, you can see that I have worked hard on my notes, since I have been standing here. I will try to address the site first, and then if you want me to comment about Community Corrections as the President of the Advisory Board, I will. First of all, I have been saying all along that what makes the back forty or one of these parking lots number one in my book would be connectivity to the Courts. we have enjoyed that as a luxury for 30 years now. we walk the inmates down a hallway and they are never exposed to the public. It doesn't expose them to any harm either, which is what we are charged with, is protecting them. Minus connectivity, if we don't have a tunnel or a direct connectivity to the Courts, then as far as I am concerned, the back forty really does become one of the least desirable sites in my eyes. There is a couple of reasons for that. One is, we were told by, and we don't know if this is true or not, we were told by the independent company that came in last week that they were going to look at a portion of the back forty because there was future plans for expansion of the Centre over into the parking lot. I was not aware of that before, but if that is a real proposal then that takes away that corner back there of the parking lot which puts some limitations on that. There are ways that you can reduce, I know that I get a lot of calls and I am sure that you do too, about the high cost of transportation. I still propose, as we did through all of the meetings, that if we build in and wire this place for video arraignment we could possibly cut down on a large number of the transports from jail to the courts. I agree with certain points from all of the Commissioners as far as the site selection being after we decide what we are building. It makes more sense to me, and I hope that I am being consistent on that. One thing that I have seen, and I know you have, if you saw the diagram that 21<sup>st</sup> Century showed you last week, it wasn't a perfect square. It had the building design, and then the future expansion was already planned in, where you had the pods. I know where it is. Richard has already sat in hundreds of meetings that staffing and operational costs are going to be 90% of the cost of this, over the course of the lifetime of the building. So, we have to really think about what this is going to cost. So, if we talk about putting the building there and then expanding, well we'll add, we need to make sure this thing is designed to add the pods into that area. Where are we going to go? Are we taking the Curtis Building? Are we taking just the garage? Are we coming this way? We need to know that up front where these pods are going to be, just like 21<sup>st</sup> Century had. Their pods were all planned out, two this way and then four imaginary pods this way, which still allowed the inmate movement, the food service and all of those services are still a logical flow. Site direction, connectivity are all important. Those are things that we are trying to build in so that central control has site down the hallways and that, and that's why, to me, that probably this becomes less and less desirable, of an area in here. If you look at any jail drawings in any of the architects books, very

few are square anymore. There are very few, they are almost diamond shaped or spider shaped, any more because that is the more efficient design so that you have direct supervision of them. That seems to dictate more of going to a green space or brown space or whatever, an off-site. Again, if we are limited to \$35 million it doesn't, unless we bring in the \$9 million architect across the river, it looks like we are going to get a jail that's \$35 million. The one thing that I think we all agree on, is that we need to plan for future expansion. If we only build a 500 bed jail and I know that we talked about this last week and I've appealed to the Council on this, let's build the core services big enough. I don't know if anybody here went to Lexington, but they had the areas that were for future expansion. It may seem like a lot for a 500 bed jail but those are going to be the areas that are very expensive to build if we have to add those for the HVAC system and storage space and things that we are lacking now. So, I don't know how much expansion, if we only building 500, I don't know how much expand ability we are going to be able to plan for if we are locked in by streets. Another thing that we have to think about again is, we are adding quite a few cars. Probably right now, well, we talked about Community Corrections, never mind about that, because that may not be included in here. We are talking about serving up to three times the meals, if we are doing 1,000 meals a day or 900 meals a day now we are talking about increasing that amount. We are meaning trucks blocking in, we are going to have to figure out where the city police are going to park their cars, because I see that we are going to have to find ways for the trucks. Right now if you'd see an eighteen wheeler try to get underneath our canopy over there it is nearly impossible, and lots of time they park on the street out by the police cars and then truck it in on hand trucks. I think there are things like that that now is the time to improve those situations, so that we are not blocking a city street to unload an eighteen wheeler for the food for 500 to 1,000 inmates. But, we are also going to have to have a plan of what we are going to do with those police cars. At least where we can put those. Whether that's in the back forty. Again, going on the back forty, it seems like it is going to require parking if we go that way instead of over there, and will require a parking garage before we do anything. Or before we can even fence off the construction area for the jail, we are going to have that garage up and built and ready to go. I have heard anywhere from four months up to minimum eighteen months when you talk about the planning and the ready to go. That is what Mr. Braun told us in their meeting last week. That really by the time the plan comes in, the deeds are signed, the paper work is done, you are talking close to eighteen months. I don't know if that is true, I am not in that business, but I still see the population in this building becoming critical, I don't know if we can afford to wait eighteen months.

Commissioner Mourdock: What do mean, the population? The jail population?

Brad Ellsworth: The pressure from the population we house and as we get closer to the possible agreement with the ICLU and if those caps really go into place. Our we going to have an extra 18 months to wait? I know that we are going to be working on the jail drawings and the programming and that, but it still seems like it is setting us back. I had one more point to make and I can't remember what it was. The expandability, the layout and the importance of that and not trying to fit that round peg into a square whole concerns me. Connectivity is important, but I don't think that connectivity is going to be as important as getting the proper design on the jail for efficiency. If we do video arraignment and two or three vans, higher capacity vans might do the trick in that if we have video arraignment built in. It happens, actually we are one of the few, probably, counties that have connectivity between the jail and the courts. Warrick County, they drive miles. It is much smaller and less people go to court but they do the trip in three squad cars a day. The one thing that,

Richard, I will try to comment on what you said over there, again what I am going to have to try to do in my role in this is try to use the least amount of people to supervise the most amount of inmates. That is one of the things that I have been charged with. I think, even back from PMSI and everybody that we have had in, have said that this current jail is pretty much near the end of its natural life. Now, can we hold inmates in there? Are they going to get out? Hopefully not. There are some security things that I could tell you about that concern me that I won't because we are on the net and on TV, maybe, but there are things over there, and plus it is an extremely...as you know, a lot of things that drive our insurance costs us. The broken jaws and that are a direct result of the way, the way we can't supervise in that jail, being the old linear design. I propose that we could cut insurance costs by the fact that we have guards in a direct supervision jail stopping those type of assaults and fights before they would ever get started, and stopping those lawsuits in a direct supervision capability. So, yes, we can still hold inmates in there. Is it an inefficient design by today's standards? Absolutely. Is there a better way? I am sure. I don't know what the life of that is still going to be, holding the higher security.

Commissioner Mourdock: I understand that it is not optimal, and no matter what we end up doing, no matter what we end up doing, it will not be optimal because you always make compromises in a project of this size somewhere along the line. But, several of the points that you raised, Brad, are good ones. The one about the video arraignment, and I have to confess, and I wish that there were a Judge here to address this, but one of the concerns I have is that we could put all of that technology in place from some green field site and they still wouldn't use it.

Brad Ellsworth: Right.

Commissioner Mourdock: Because of whatever reason, courts, not just Vanderburgh County courts, but I have seen this across the state, courts tend to be very conservative and they feel, for whatever reason, the video conferencing isn't necessarily the same thing as that persons day in front of the court. I don't agree with that, but then we know how much power we have over the courts, which is zero.

Brad Ellsworth: You read that programming book that we first came out with, in one of the interviews when United was with them alone and it said that few would use it and I think that's, it is one area that probably very inexpensively you can wire the building for it. You don't have to build, buy the monitor, the camera, you wire it so that when it gets to a point, where we say this is a necessity and we can't move 150 inmates a day in there, even if it is the initial arraignment or for the lawyers off site to do video visitation.

Commissioner Mourdock: In regarding the parking, I will try to see if we have one point of consensus here. Regardless of whether the site is ultimately the back forty or the courts parking lot, if we are going to do something with the jail on the Building Authority property, do the three of us agree that, that does require a parking garage? I mean, I don't see that is an option. If it is going to be here you have got to do a parking garage.

Commissioner Mosby: I would like to see us doing a parking garage right over here where this SWIRCA building used to be.

Commissioner Mourdock: Okay, but regardless where it is we have to have a parking garage.

Commissioner Mosby: I think you have to do a parking garage because there is not adequate parking today. Sometimes I come up here and see this whole back forty full. But, I would like to see us do one over here because not only do we build a parking garage to service the Civic Center, I think you build a garage to service the Victory and the Centre. If at some point we could connect them, I think it would be very beneficial to this \$42 million project we have setting here. One thing that I was going to say, and I guess my opinion would be, if we build on the back forty or the Judges lot or where ever we build, I would like to see us take the old jail and sheriff's administration down there and put a juvenile detention center. I proposed that to the Council the other day just in passing because I have no figures, or I shouldn't, I mean guesstimations if you want to call them, I would like to see us move Judge Niemeier over to the old jail along with the juvenile center and take his 3,210 square feet and make two court rooms out of them. Which I think there again solves about three problems all in one. I mean rather than use the jail for maximum security and in its design today which I don't believe is really a safer, you know the jailers that we have over there, I would like to see us do juvenile detention and Judge Niemeier and then Mr. Utleys cost on, I think Judge Niemeier's 3210 square feet is about \$238,000 to make court rooms over there.

Commissioner Mourdock: Catherine, before you, the issue of the parking garage. Do you concur?

President Fanello: I do, I do agree that we would have to have a parking garage.

Commissioner Mourdock: We have reached an agreement on something.

President Fanello: We all three agree.

Commissioner Mourdock: Brad, with the building program that was put in place, what is the current number that is estimated as required for maximum security folks?

Brad Ellsworth: Are we talking about square footage? Or number of people?

Commissioner Mourdock: Beds, I guess.

Brad Ellsworth: When you say, maximum security, then sometimes I think of a segregation type where they can't play well enough with others to even be with other inmates and they have to be segregated, for whatever reason, and there are a lot of different reasons but I think we programmed, I think, it was somewhere between 15 to 20 segregation beds. That's, you are in there alone, you come out for basically one hour of recreation a day and you'd, like I said, you just can't be housed with anybody else. Go a step above that, probably 20% of the jails would need to be hard lined, maximum security. So let's just say, you know, 50 to lets say we are going to 500 beds, probably 100 maximum.

Commissioner Mourdock: Okay, if you were at 650, just doing the math real quickly, it would be what, 130 beds?

Brad Ellsworth: Right, of pure maximum security. Some combination of that, you know there might be some people, I wouldn't want the guard in doing direct supervision, he would have direct observation but not direct supervision. You know the pods could be designed the same, it's just that they are individual cells, not group, dorm types. As you go down and can put more people together then it is cheaper construction.

Commissioner Mourdock: I have heard it said and correct me if this is wrong but when this building was built in 1969 that the jail we presently used now is considered a 100% maximum security. Is that correct?

Brad Ellsworth: I would say that is true. I would say that is true.

Commissioner Mourdock: Okay, so coincidentally then, from what Eric Williams said a week or so ago, if the renovations were to take place in this jail because of ADA the amount of beds would be cut down here, but he said it would take us to about 140 beds, which is almost a perfect match if your 20% is right, because we would have 130. That is an interesting bit of math.

Brad Ellsworth: Right, and like Utley told us there we are talking, no telling what community corrections is going to be, but we are talking five locations again and the transportation of all of this and the flow of inmates, plus you know the way a person works through, he may come in, when we go to a classification system, and depending on how his crimes and previous record is, the way he works his way through the jail and into, he may come in and be maximum security and then work his way to a minimum security bed by the way he acts in jail. Vice versa, he comes in and we put him in a minimum, we never bring them in minimum automatically, but by the way he plays with others works his way into a max and that can change. You don't see, in all of the jails that I have toured, your minimum and maximum are not that much totally different construction. They have to build these things to last a real long time because they don't take care of them like we do our homes. So there is a lot more wear and tear, in fact, one statistic I heard, they call it dog years for a jail, and it is more like the three or four years to one for every you know, for every year a building like this lasts, a jail gets four years put on it because of the 24 hour, and the wear and tear that the inmates try to inflict on the building. Another thing that's cut down is when you have direct supervision, you can see what those inmates are doing. If a guy goes up to scrape on the wall, or whatever, you see him automatically, which we don't have that luxury over there. What they do behind those steel doors, you know, if you walk in and catch them. But, of the jails, you don't see, like I said, community corrections, the over glorified pole barn, I think is adequate. Just like Mr. Braun said, but in the jail, where you see your minimum and maximum is, the amount of people that are living together in dorm style which cuts down on the number of doors and the number of toilets and that type of thing, verses single person living. But, it's not a huge difference in the way they are constructing the building. So, I have to agree with Commissioner Mosby, if you are going to separate these all out, and that's up to you and the Council, that it is certainly a better use to renovate, to make juvenile, and because of the square feet, bringing in all of those beds. You've got the plumbing in place and all of that. You can reconfigure the walls than to try and make that the maximum security jail. It would be my advice to go with that idea and turn it into a juvenile justice center over there and make the jail all in one place.

Commissioner Mourdock: But, if we are only talking about 24, a 24 bed juvenile facility, which has been the discussion all along, it would seem to me that there is a lot more space in the jail configuration than 24 would require.

Brad Ellsworth: That is probably correct. I don't know, they talked 24 expandable to 48 and all the programming, but it takes a little more room for juveniles but you are right, there would be extra space there's no doubt about it. David had some?

Commissioner Mosby: Yeah, I think if you look at United's proposal on the juvenile, it was 19,700 and some square feet and Judge Niemeier presently has about 3,250 square feet, and is looking for more space, but what I was thinking if you took Judge Niemeier and the extra space that he would need along with Probate and Juvenile, you are really going to end up taking up somewhere around 30,000 square feet. The Sheriff currently has 35,700 square feet over there. We could easily do juvenile detention, juvenile court and probate and still have 5 or 6,000 square feet left if we needed more court space.

Commissioner Mourdock: You are saying they are using 30,000 now?

Commissioner Mosby: No, they are using 3, they are squashed into 3,000.

Commissioner Mourdock: But, I thought you said including several other things.

Commissioner Mosby: I am saying that United's proposal for juvenile detention was 19,700. So, I am just figuring that 20,000 along with what Judge Niemeier would need, if we moved him over here and we would still have some extra space if we wanted to do something.

Commissioner Mourdock: Let me see if I can reach a point of agreement here. Whatever happens to this existing space is largely going to be dictated by cost in some ways, because and I will just make it hypothetical here, if in fact we chose to use this space for maximum security and cut it from 268 beds down to 140 and just making up the situation that would cost us \$500,000, making up numbers and if it is \$3 million to do it to juvenile because we would have to change it from maximum security to something else, obviously that cost is going to impact on our decision, correct? I mean, that would seem logical to me but I am making up numbers.

Commissioner Mosby: It would seem logical, but what I am going to be looking at is the cost that the Sheriff is going to incur by trying to do two sites. I mean, if you're saying lets build a jail and let's keep maximum security, now he has two jails. Now he has two jails and community corrections, and he is going to be at five or six different sites. I don't think that is a wise use of money when they say that 90% of your cost is incurred, you know, under your management. I mean ongoing costs.

Commissioner Mourdock: And that makes my point as well. The key here is not what we know at this point but what we don't know. We are coming, this is the kind of discussion, this is a very good discussion in that we are kicking around some options by which we can provide some level of direction to an architect, and if we say to the architect, we've decided that we want to use this for either maximum security for 140 beds or we want to use it for juvenile, take a look at this space and tell us what it is going to cost us to do each. Then we have given him some direction, and he can come back with a real number to us. You know, I am certainly willing to have the architect do that as far as the operational costs and the costs of transportation from some undisclosed green site to here. I mean that. That to me is a great unknown. I think the Sheriff would agree. Until we know where that site is, and exactly what we are going to put at that site. If we start off by just saying we are going to have a green field site that is 40 acres, then all of a sudden we start the wheels turning all over again. What all are we going to have at that green field site? Pretty soon we are, pretty soon we're way over what our budget is going to be at \$35 million, so.

Commissioner Mosby: I agree with you to an extent. It is a very good discussion, but I guess what I am looking at is what we were talking about a minute ago. Number one, what is it going to cost to redo that over there? Number two, what would it cost just to go ahead and add the extra beds in while we are building a jail? Because if we do that we can probably do-

Commissioner Mourdock: Define the extra beds. What do you mean the extra beds

Commissioner Mosby: You are talking about having a 140 over here. I mean rather than build 500 if we build 640 in one location then we don't have the operational costs that he has to go to secure two facilities and I would have to see what that operational-

Commissioner Mourdock: Exactly.

Commissioner Mosby: If we are only going to save half a million or a million dollars by redoing this, his operational costs in a given, how long would it take you to blow a million dollars?

Commissioner Mourdock: He would never blow a million dollars.

Commissioner Mosby: Well, I'm not saying, but I mean I am just saying that if you had two locations and you are trying to operate both where he is talking about with direct supervision and-

Commissioner Mourdock: But again my point is, until we can direct an architect with some real specifics as to what the options are. There is no way that Brad or anyone else can come back and give us a realistic picture of what the operating costs are going to be. Go ahead, Catherine.

President Fanello: I was going to say that brings me to my point of where this is leading to and like David said, he didn't want to say, he doesn't really want to commit one way or another until we know for sure what the Council does on Wednesday. So, it would be my wish that next Monday after knowing what the Council's decision is, that we have something, we lay something out on the table to be able to direct the architect to come back and give us the information we need. We all agree on that they are to evaluate the back forty site, the courts parking lot or do we send them out to evaluate green field sites.

Commissioner Mourdock: That is a fine direction to take. Again, I think we have to give them some direction.

President Fanello: And that needs to happen as soon as possible.

Commissioner Mosby: Give who some direction?

Commissioner Mourdock: The architect.

President Fanello: United.

Brad Ellsworth: And this isn't any of my business, but after working with those guys for several months now as you keep throwing them in, I think you need a Council commitment that as you throw out different options, they need to be reimbursed for their services.

President Fanello: I agree, I agree.

Brad Ellsworth. It may seem like a strange thing to you all but, you know, they have not been paid for anything, and now okay now evaluate this and now evaluate this and look at this. At some point, if I was the architect I would tell you all let's see some green first. And at an hourly rate-

Commissioner Mourdock: That is the flaw that we have in our process, Brad, you are exactly right. I disagree with your premise, we should have at the onset have known whoever the architect was going to be to say this is what we want and let's start that cycle of revising and we didn't do that. As far as I am concerned what the architect does is work with you from the get go, knowing what you want to help design what you want. So, I have a hunch.

Commissioner Mosby: I am not going to say that we didn't know what we wanted-

President Fanello: I think we-

Commissioner Mosby: It's just whether or not we are going to get it.

(Inaudible - too many people talking)

President Fanello: Well, I think the biggest unknown is that the Council started off with a number that they really had nothing to base that number on other than the fact that they felt like they could use that number and not raise property taxes, but that number in no way told them what they could get as far as jail construction. So, I think we started off with a handicap right there.

Commissioner Mourdock: Well, let me defend the Council, you said two things there in juxtaposition, you said they kind of made up the number and the only thing they did was try to do it based on taxes. Those are not two different things, that number was based on what they could do without raising taxes. Now if you want to fault them for that you are certainly free to do that, but they did have a basis for the number. They did not just pull one out of the air.

President Fanello: That is what I said, they based that number on not raising property taxes. Which property taxes will still go up. That is not an entirely true statement, but the fact is, to me that is being short sighted in not considering what we need to do to take care of our concerns with the jail and court space, and what we need to do to plan for the future. So, like I said, I think we started out backwards at that point.

Commissioner Mosby: I am going to touch on that, not raising property taxes. I don't think that Council or that Auditor sitting down there can tell me that we got \$2.7 million dollars a year extra for the next 25 years. Now, don't tell me that we ain't going to have to raise property taxes, because as the cost of living comes along and as we give our employees raises, and as we bring things on line to serve this community we do not have enough money sitting in our fund today or tomorrow to do that for the next 25 years. Everybody says that we are doing this and not raising property taxes. If that is the case, are you telling me that we've got \$2.7 million a year that we can look at for the next 25 years? And never raise property taxes?

Commissioner Mourdock: Well, I am not a financial analyst but I will say this-

Commissioner Mosby: I don't think you have to be to answer that.

Commissioner Mourdock: No, but you have to make the point that all forecasts be they done by the County Council or Crowe Chizek , our financial forecast, is there some element of unknown in them? Absolutely. That is always going to be the case.

Commissioner Mosby: I mean, what I guess I am wondering is have we wasted \$2.7 million a year for the last ten years that we had extra? You know if we are not going to have to raise taxes to get this money, are you telling me that we had this much money sitting around that we just blew it and threw it away and now all of a sudden we are going to save it? Because we are going to build a jail? I don't think so. I mean that is, to me, number one, it is an out. If you want to say it's an out of what they want to spend. What we should have been doing is probably looking at the best way to fund this jail and I think some of them options were explored last year and that there are several counties sitting around the House and Senate this year doing what we had proposed to do last year. But, no, we didn't go for that. I mean and they say we are looking at the best use of the taxpayers dollars. Building 488 beds is the best use of the taxpayers dollars? When we know at one point that we had 430 in there. So, we are getting a known 55 beds more than the capacity of that jail at one time.

Commissioner Mourdock: Well, your discussion isn't about the decision as much, David, as it is about the process. You know the Council has it's duties to fulfill and we have ours and we need to work with them to make it happen. So, it's how they do their budgeting is certainly on their side of the Indiana Constitution and they are trying to do that to the best of their ability, and, again, we can differ as to the opinions as to how it can be done but they have their responsibilities and we have ours and the Sheriff has his. So, now we have to just deal with the facts as they are.

President Fanello: Well, I am going to put this back on the agenda for Monday knowing that basically what I said a minute ago. We will have a final decision from Council on the budget and I would like to see us as a Board give direction to the architect next Monday.

Commissioner Mourdock: And I like, again I appreciate the discussion. I think it is a good one and I hope we are in a position to at least have them, meaning the architect, give them a couple of options, because I think that is what we need to do, not just give them one, give them a couple.

President Fanello: Exactly. So, if there is nothing else to say on this issue. Any group-

Madelyn Grayson: May we make a tape change?

President Fanello: Yes.

**(Tape changed)**

Madelyn Grayson: Thank you.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Any group or individual wishing to address the board. Would you like to address the board?

Clarence Weber: I'm Clarence Weber, and I live at 930 Schutte Road. I have a petition to improve Schutte Road. I would like to give you (Inaudible. Walked away from mike.) That will give you an idea of what (Inaudible). Now, Schutte Road hasn't been widened, except for pavement since 1937, when the WPA changed it from one lane to two lanes. It is dangerous. The most dangerous part is a ditch where the guardrails are about 20' apart. When you pull out of Clark Lane, you can see about 150'. There is a hump in the road, and anybody coming 40 miles an hour, there is no way you can see them. No way you can pull out. The shoulders, they are either narrow, or there is none. I've had my mailbox knocked down several times. You've got a list on a lot of incidents from Clark Lane to the Lloyd Expressway. The last time my mailbox was knocked down was January 26<sup>th</sup>. Matt Hill come out and he picked up all the pieces and took them up to my house, and he said here we go again, and, Brad, he done a good job. He said here we go again, I said would you sign my petition, and he said I would sure be glad to. So, I know that you don't build roads overnight, but I would like to get this in the pipeline. I've been trying for 15 years to get something done to the road, and I think it's time that something is done. If you have any questions—

President Fanello: Does anybody have any questions?

Commissioner Mourdock: No, I'll just tell you by way of...I'll tell you by way of the process, Mr. Weber, we normally have a road hearing that is scheduled in March. I don't know that we've scheduled that yet for this year, but what we do is we submit things to the County Highway Department and the County Engineer, so that they can work through the schedule as to what we can do in the next 12 months, and certainly we can pass this on to the County Engineer and County Highway as well to make sure it gets thorough review prior to that meeting in March.

Clarence Weber: Okay, I appreciate it. I've talked to Dr. Hoops, and Dr. Hoops said that he would cooperate in anyway, but they are not allowed to sign anything as far as petitions or anything, so he (Inaudible).

Commissioner Mourdock: Okay, you said a petition, I don't have any petition. Okay.

Clarence Weber: I (Inaudible) around to Brad, trying to get his name on it, because he drives it everyday.

Commissioner Mourdock: Okay. Did you give one of these to the County Engineer and Highway? Did you guys get these? Okay, make sure they get a copy of that.

Clarence Weber: I haven't gave one to the County—

Commissioner Mourdock: We'll get them a copy.

Clarence Weber: Okay.

President Fanello: Thank you.

President Fanello: Okay, Department Head Reports, County Engineer.

Commissioner Mosby: Back up.

President Fanello: Do you need to?

Commissioner Mosby: Yeah, yeah.

President Fanello: Commissioner Mosby has something else.

Commissioner Mosby: I'm not another group though.

Commissioner Mosby: You're another group, yeah, you're another group.

Commissioner Mosby: I thought we were going to finish with other groups and individuals.

President Fanello: Sorry.

Commissioner Mosby: I just want to make one appointment. I need to make an appointment to the Southwest Indiana Comprehensive Economic Development Strategy that George Rehnquist and Jonathan Weinzapfel have formed, and I want to make the appointment of Lo Porter, from over at the bank.

Commissioner Mourdock: Okay, that's a motion?

Commissioner Mosby: Yes.

Commissioner Mourdock: Second.

Commissioner Mosby: Motion to appoint Lou Porter.

President Fanello: So ordered.

**John Stoll: County Engineer**

President Fanello: Now County Engineer.

John Stoll: First item I've got is a sidewalk waiver request for Wolfe Creek Estates. This is a subdivision on the south side of Wolfe Creek Drive just east of Eickhoff Road. There are no other sidewalks out there in the vicinity of this subdivision. So, it's recommended that the sidewalk waiver be granted.

Commissioner Mourdock: So moved.

Commissioner Mosby: Is that a good idea? I mean, is this the one we had in Drainage Board last week, that they said they were going to ask for a sidewalk waiver?

John Stoll: No, this is off Eickhoff. Are you thinking about the Highland Point off of Mohr Road?

Commissioner Mosby: Maybe that's it.

Commissioner Mourdock: The one where there was quite a large number of people here? That was Highland Point.

John Stoll: Okay, I was going to say, I didn't think this came to Drainage Board last week. This is just a little five lot--

Commissioner Mourdock: I'll look and be sure, but I don't think it did.

Commissioner Mosby: I was thinking we had Wolfe Creek last week too.

President Fanello: (Inaudible. Mike not on.) Was it in this (Inaudible).

Commissioner Mosby: There was something at Drainage Board last week that said they were going to be requesting a sidewalk--

Commissioner Mourdock: You're right, there was a Wolfe Creek final drainage plan.

Commissioner Mosby: Yeah.

Commissioner Mourdock: But, I think it must have been deferred, because I don't have that we acted on it.

President Fanello: Yeah, we didn't (Inaudible. Mike not on.).

Commissioner Mosby: Yeah, we had something on our desks that said something about a sidewalk waiver, and that's why I was wondering--

Commissioner Mourdock: I didn't see that in my packet. Unless it showed up today.

President Fanello: I just had one on my desk--

Commissioner Mosby: No, it was on our desk last week.

President Fanello: --yeah, before the meeting last Monday.

John Stoll: I was going to say, I got--

Commissioner Mosby: Let me see, what's that?

President Fanello: It was just a piece of paper.

Commissioner Mosby: That is, that's the same one right there. We had that on our desks last week. Veachy, Nicholuson. Because, as a matter of fact, Mr. Nicholuson was here, and I couldn't read his writing, and he said he was here for Wolfe Creek, and we didn't discuss it. So, I didn't know if there was a problem with this or not.

John Stoll: No, it's just the five lots here. (Inaudible. Someone coughing.) Wolfe Creek Drive. There's an existing house back here on this lot one, and back here is where they are building all the condos. There are no other sidewalks anywhere out here that they would connect to if they did try to build sidewalks out here. So, in that respect, they really weren't necessary.

Commissioner Mosby: Okay. He made a motion. I'll second.

President Fanello: So ordered.

John Stoll: Second item I've got is an encroachment permit that was submitted on the walkway connecting the Centre and the Executive Inn. Jim Morley came by my office last Friday and said that the building permits for the walkway were being held up because they hadn't received an encroachment permit from either the County Engineer or the City Engineer. I've discussed this with the County Attorney, basically, this encroachment permit would just allow the walkway to encroach in whatever rights the county may have out there on that property. Since it's not truly a county right-of-way, it's not an encroachment permit in the same sense that the city's will be, but so they can get their building permits, Phil was saying that we just need to go ahead and sign off on it. So, I'm asking for your approval to go ahead and sign off on the encroachment permit.

Commissioner Mosby: Motion to sign off on the encroachment permit.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Last item I've got, I would like to request approval to continue to have Pat Seib work part time in our office. He is the USI student that we had working last semester, and I would like to request that he be allowed to continue to work this semester for up to 10 hours a week.

Commissioner Mosby: Make a motion to continue to work part time for Pat Seib.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: No?

John Stoll: Thanks.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. These are the completed State Board of Accounts review for this year. I've reviewed them and signed them. Everything did balance out. I'm giving you your copies, and I do have to have the one original signed and returned to, I guess, you send that in, Suzanne? Or do we go ahead and submit it ourselves? The signed copies.

Suzanne Crouch: I think in the past we've sent them up for you.

Ralph Kissinger: Okay. The rest of the copies are there. If there are any questions, I would be glad to take the questions and answer them next week, because I am not familiar with the entire procedure, but I do have a bookkeeper who is. I'm trying to get this on the computer so I can familiarize myself with it. I'm not an accountant.

President Fanello: You say that like it's a bad thing.

Ralph Kissinger: It's not a bad thing. I'm just stating a fact.

Commissioner Mosby: Do we need to make a motion to approve this?

Commissioner Mourdock: We do. The only thing I would suggest and, Catherine, I presume you are seeing this for the first time too?

President Fanello: Uh-huh.

Ralph Kissinger: I think you should probably review it.

Commissioner Mourdock: We don't have a date certain on this tonight? I mean, if we looked it over—

Ralph Kissinger: I don't think it's even due for two more weeks, but I did get it completed—

Commissioner Mourdock: (Inaudible. Talking over each other.)

President Fanello: Okay, that's fine.

Ralph Kissinger: —and I wanted to get them in before, so there wasn't a mad rush on it.

Commissioner Mourdock: I'll move that we take it under advisement for action next week.

Ralph Kissinger: Other than my reports, I don't have anything else.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Thank you, Ralph.

President Fanello: Why don't you pass that original to Madelyn.

Ralph Kissinger: Thank you.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: No report.

President Fanello: Okay.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: The only thing I have is a late Travel Request from Soil and Water. I gave David and Catherine and Richard a copy, and then the original is in the signature file. I went ahead and added it because it wasn't very much money, and they are traveling Thursday, I think.

Commissioner Mourdock: Going backwards a step, Phil, anything new on the case we are working on that Joe, Jr.'s involved with? Have you heard anything more?

Philip Hayes: There, there is no hard activity that has been done. There is an insurance matter that was noticed up, and there was a refusal, which was a standard refusal. We will also request, and that's one of the things at the end of the meeting, to ask for an Executive Session to discuss that for next week.

Commissioner Mourdock: Okay.

Philip Hayes: I think we would need--

Commissioner Mourdock: That's fine.

Philip Hayes: --approximately a half hour, but, yes, there will be a request for litigation in regard to that.

Commissioner Mourdock: Okay.

Philip Hayes: And, finally, then I think there is also some indication that we need to move aggressively for a set aside of the AAA award. I know that the Building Authority met today at 1:00, I think, it was there organizational meeting--

Commissioner Mourdock: Okay.

Philip Hayes: --so, I don't have any report since then.

Commissioner Mourdock: Just for the record then, since it does sort of fall under the County Attorney's report, you are saying that we need to schedule an Executive Session for next Monday at 5:00?

Philip Hayes: Yes, that would be satisfactory. I think 30 minutes will take care of our business at that time.

Commissioner Mourdock: Okay.

Tammy McKinney: Isn't that Solid Waste?

Philip Hayes: Oh, do you? Okay.

Commissioner Mourdock: When do you want to do it then? At--

President Fanello: I don't know. I kind of like doing it in the morning.

Philip Hayes: Is Solid Waste 5:00?

President Fanello: Yeah, or we start 5:30, no, Solid Waste is at 4:30.

Commissioner Mourdock: Yeah.

Philip Hayes: So, if 4:00 would be, if that would be satisfactory—

Commissioner Mourdock: Okay.

Philip Hayes: —I can promise you we won't drag into it.

Commissioner Mourdock: I would move the advertising then—

Philip Hayes: Can you do that, David?

Commissioner Mourdock: —for Executive Session—

President Fanello: Next Monday at 4:00? Executive Session.

Philip Hayes: Next Monday at 4:00?

Commissioner Mourdock: —4:00 next Monday.

Commissioner Mosby: Yeah.

Philip Hayes: Okay.

President Fanello: He made a motion.

Commissioner Mosby: Second.

President Fanello: Okay. So ordered.

**Steve Craig: Burdette Park**

President Fanello: Okay, Burdette Park.

Steve Craig: The only thing I have is my work sheets, unless you guys have any questions for me.

Commissioner Mosby: I don't.

President Fanello: Alright.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: And I'll move—

Steve Craig: Thank you.

Commissioner Mourdock: I'll move approval of Soil and Water Conservation District and the Ozone Officer's Report to the Consent file, or to be included in the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

Commissioner Mosby: Under Consent, did you say that we need to add that? Or you've done added it? Right, okay. Yes or no. I need to add it or I don't? Don't need to add it.

Tammy McKinney: No, you don't.

Commissioner Mosby: Okay.

Tammy McKinney: Yes, I did.

Commissioner Mosby: You did add it, okay. I don't know since we voted last week has anybody said anything to these people on their travel that they need to have receipts for their per diems? I'm not sure we might not want to put that on here that receipts required.

President Fanello: Well, I received an e-mail forwarded to me, I think, from Tammy from Terri Woodward.

Tammy McKinney: Right.

President Fanello: And in the ordinance it does say per diem, and she said she asked the State Board of Accounts, and they felt like we didn't need to collect receipts. I disagree.

Suzanne Crouch: No, I don't think, Catherine, that's what they were saying.

President Fanello: Okay.

Suzanne Crouch: They were saying that the current ordinance says per diem, which is a daily allowance—

President Fanello: Ah, okay.

Suzanne Crouch: —so we're doing it fine.

President Fanello: Okay.

Suzanne Crouch: But if you want to make receipts with a cap of like \$26—

President Fanello: Uh-huh.

Suzanne Crouch: —then we just need to change the ordinance—

President Fanello: Amend the ordinance.

Suzanne Crouch: —and send a notice out to the department heads.

President Fanello: Okay. Which I had put on the agenda..we've got...hmmm?

Philip Hayes: The ordinance...that's different than the receipts. It says per diem. That's a different question than the receipts. If you want to require receipts, you can still require receipts.

President Fanello: Well, I would think so.

Philip Hayes: It's a matter--

President Fanello: I still don't understand--

Philip Hayes: Whether you need them or not, it depends on...it's a policy matter as to whether or not an attached set of receipts can be required.

Commissioner Mourdock: It is a simple thing. It is really two things. It is the policy. It is the ordinance. Certainly, our policy says that we will issue a per diem, which, in essence, as we talked about last week, doesn't necessarily mean you would need receipts, because you are just giving whatever the dollar figure is per day.

President Fanello: Uh-huh.

Philip Hayes: That's right.

Commissioner Mourdock: But I think it would be appropriate that we formally change the policy to say, a per diem up to \$26 a day, or really take the words per diem out and say up to \$26-

President Fanello: Up to 26.

Commissioner Mourdock: --a day, justified by receipts. Because, I think we all agree what we want here--

President Fanello: Oh, yeah.

Commissioner Mourdock: --we want people to turn in receipts--

President Fanello: Exactly.

Commissioner Mourdock: --and not pay more than \$26 a day.

President Fanello: Uh-huh. So, but I think David's question is, has a letter or notice been sent out? Or are we requiring receipts?

Commissioner Mosby: Yeah, I just want to make sure that nobody gets caught off guard and comes back and says, you know, why didn't you tell me. You know, that's my only--

President Fanello: I think we need--

Commissioner Mosby: --point is we don't leave somebody hanging out there, and I'm, you know--

Suzanne Crouch: (Inaudible. Mike not on.)

President Fanello: I think we need to go ahead--

Tammy McKinney: I was going to say, it's on the agenda for next Monday.

President Fanello: To amend the ordinance, yeah.

Commissioner Mosby: We'll do it after that.

Commissioner Mourdock: Can we target the date of March 1<sup>st</sup>? Say as of March 1<sup>st</sup>, if you don't have receipts, you don't get reimbursed.

Tammy McKinney: That's fine. The only one...the Travel Request, I can tell the Treasurer and DADS and Soil and Water that they need receipts. Health Department, they pay their own. So, I never receive any blue claims from them. I can make phone calls to the one's that are on tonight's agenda.

Commissioner Mosby: Does the Health Department not, though, follow county policy?

Suzanne Crouch: Yes, they do, but they also do the receipts.

Commissioner Mosby: Well, I mean, that's good, because, I mean, I think they need to do as any other county office would. Even though I know they are their own taxing district, we're still responsible for the taxpayer out there, or to the taxpayer.

Tammy McKinney: They probably have to do it for their grants and everything—

Commissioner Mosby: I think they need to follow policy.

Tammy McKinney: —that they get, yeah.

Commissioner Mourdock: The group that will be the hardest to get in line will be the courts. I mean, when they send their people, if they haven't done it before, they will argue that we've never done it that way.

President Fanello: Well, just because we've never done it that way, doesn't mean that we are not going to do it that way. Okay, so do I have a motion to approve—

Commissioner Mosby: Motion to adopt or approve Consent Agenda Items.

Commissioner Mourdock: Just the one question here. I have not yet read through this letter that I found. Do you want to summarize that real quick?

President Fanello: Did you get a copy of the letter to Cheryl Musgrave?

Commissioner Mosby: Yeah, I seen it here a minute ago.

President Fanello: This is a summary, basically, and the reason I wanted this Board to send it out was because we are the contract administrators, basically, for Computer Services, and, you know, we, basically, set policy. There were a few concerns brought up at the last Data Board meeting about, I think, communication between the GIS project and the Data Board and everybody involved. There were several concerns brought up. There have also been concerns brought up to me by ACS, and, basically, this letter reflects their concerns, and just really asking Cheryl to respond to them and let us know how she feels about them. And how we might maybe improve communication in the future.

Commissioner Mourdock: Alright, with the motion out there, I will go ahead and second it, approval of the Consent file.

Commissioner Mosby: I made the motion, and he seconded.

President Fanello: Oh, that's right. You say second. So ordered.

Madelyn Grayson: Commissioner Fanello, is the original going to be in–

President Fanello: Here's the original. <sup>1</sup>

<b>Old Business</b>
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President Fanello: Okay, is there any Old Business?

Commissioner Mourdock: Just one quick item. You touched on it briefly earlier tonight when you were talking about the jail discussion and community corrections. Have you seen, or did we receive from our insurance folks the loss record for last year? Having left the meeting last week, we were certainly in agreement that we need to tie up our rate as quickly as we can–

President Fanello: Uh-huh.

Commissioner Mourdock: –at 44%. I do recall seeing through the routing file their normal recommendations and those type of things, but I don't recall seeing a complete loss record. Have you gotten a copy of that?

President Fanello: No, I haven't seen a complete loss record.

Philip Hayes: The big, thick book, Commissioner?

Commissioner Mourdock: It can be.

Philip Hayes: There was one from the previous year from the year 2000, delivered in 2001.

Commissioner Mourdock: Right.

Philip Hayes: We should have a 2001 coming on, but if I recall that's like probably down the road another couple of weeks. We can contact them–

Commissioner Mourdock: Yeah, let's–

Philip Hayes: –(Inaudible. Talking over each other.) seen it.

Commissioner Mourdock: –that's what I'm asking about.

Philip Hayes: They have not delivered one. Uh-uh.

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<sup>1</sup>Consent Items listed on Page 45.

Commissioner Mourdock: Obviously, it's in our best interest to keep those costs down as much as we can. While the statements I remember reading in the routing file, and it's been three or four weeks ago that I read them, were pretty generic. If there is anything specific in there as far as workman's comp claims, or specifically with community corrections that we can act on, we need to do something with that.

Commissioner Mosby: I will say that I went over a lot of that with Dennis Feldhaus in my office the other day, and there is not really anything in particular that he said we could do about the community corrections. He said that building is that building and unless we want to go out and rebuild it, that's the only way we are going to do anything with it. I mean, as far as, you know, he said that talking to the people in Nashville, when he was talking to them, I mean, they read the newspaper, off the Internet, and whatever. I mean, they see where the stalemate is. They got our DOC inspection report. Other than that, he said he had expected, you know, the 17% to 20% increase.

Commissioner Mourdock: Right, and I understand. As we talked about even prior to the meeting last week, I think, a lot of the cost increases that we are seeing have to do with the economy as a whole, and also September 11<sup>th</sup> unresolved issues. I mean, I understand that there is going to be a significant increase. I just want to make sure that every aspect that we do have some element of control over, that we try to—

Commissioner Mosby: No, he just said that the 17 to 20 was just a kind of, he said, I seen that coming, too. He said it was the other 25% that I didn't see coming. I guess, I had a conversation just with my own personal insurance man today, and he told me, he said, 20% would be just the very average—

Commissioner Mourdock: Yeah, and I've—

Commissioner Mosby: —today.

Commissioner Mourdock: —in my travels around the state this past few months, I've spoken to a lot of counties that are seeing increases that are close to ours, but not quite as much as ours, and I'm not sure what the basis for that is. Maybe it's community corrections, maybe not.

Commissioner Mosby: He just told me, he said, I don't think I've wrote a commercial policy that hasn't went up 20% to 22%. He thought it was funny, because he read the paper this morning where the city said they weren't getting an increase. He said I would like to see that happen, because he said I don't think they will be saying that when their policy comes due.

President Fanello: It comes due in May.

Commissioner Mosby: Yeah, so, they probably ought to hold on. I think theirs is what 100 and, God, what did I read in the paper? A million three was their last year's policy.

Commissioner Mourdock: One other bit (Inaudible. Mike not working properly.) The issue that came up last week with Jobe's Lane, did we get the paperwork done on that? I noticed there is nothing in the Consent File on beginning to request that—

Commissioner Mosby: The paperwork is not done. I had a conversation with Todd Trinkle out of Indianapolis Friday, and they are sending me some more info down on what they need. It's going to be my job in the next week or two to get two or three of our State Reps to write letters, and our State Senators, and then they need a letter from the Commissioners here. They are exploring funding right now, but there's just...we did contact Bernardin Lochmueller, they are supposed to get back with us tomorrow on whether they have time, and they can go out and do this. John has had some conversation with the Water and Sewer Utility. They had some preliminary estimates to run water out there at one point in time, so we—

Commissioner Mourdock: In contacting Bernardin Lochmueller, though, that is going a step beyond what we said we were going to do last week. Last week we said that we were going forward to try to get that grant information.

Commissioner Mosby: And get quotes for engineering, because I can't go forward on the grant until I get an engineer. That's the whole first step of this thing. That's why I said, that's why I made that motion. You can go back and read the record.

Commissioner Mourdock: Yeah, well, I'll go back and look at it. I didn't think the quote was in there, because I was specifically concerned about the fact that we can be on line for monies here before we had any good idea as to what the response rate would be on the grant.

Commissioner Mosby: I'd have to get her to get us a copy of the minutes, but that was the biggest thing in my motion is that—

Commissioner Mourdock: That does remain a concern to me. I understand there's an environmental problem out there. Please don't misunderstand. I really fear that we are opening, or could be opening the door here to everybody who has a bad septic system out in the county, and believe me, there are hundreds of them. I don't, you know, I don't want us to make the subjective judgement as to who can and who can't afford something, as far as the cost of an improvement, like a Barrett Law type situation. We need to be very careful how we tread down that road, because all of a sudden, once that precedent is set, we've opened the gates. I would say the flood gates (Inaudible. Interference on mike.)

Commissioner Mosby: I'm hanging this on the Judge. I mean, you know, I guess it's not very often that you are going to be drug into court. You know, the Judge is the one that called me and asked me to come out there and look at this. Then he had went as far as to contact IDEM, and then IDEM just said, you know, with the county's cooperation that they could possibly move forward on exploring some of the funding through IDEM. Then he brought a guy by the name of Steve Brock with him—

Commissioner Mourdock: Yeah, and do I understand this filing, Phil, that all of this was first filed with Vanderburgh County's name on it in Judge Tornatta's court? Wasn't it Tornatta, yeah, on January 25<sup>th</sup>? There was nothing outstanding with the county's name on it to that point?

Philip Hayes: That's right. That entry, I've not had an opportunity to follow back up with Joe Harrison as to exactly how that entry got involved with Vanderburgh County on the caption. I may have missed us being joined. Joe's had that case, that was legacy that he left with me, and I left it with him, since he was conversant. To shorten this up, we, frankly, agree that the county does not have a liability position here. We have, what we do have is a Judge exercising equitable powers, which are

there, and we're treading very lightly, because we don't wish to become a party. We disagree with some of the private plaintiffs, I think...I won't...I'm not sure which, right now without looking at my notes, which one is which, but we disagree with the private parties that somehow or other we are able to be joined. So, we are in a limited matter...manner joined for these kinds of purposes. The kind of purpose is to explore that if there is rural assistance for sanitation there, and we can be a pass through, we'll try to do that. We've tried it informally, and the lack of response from the lawyers is why the Commissioner was called personally.

Commissioner Mourdock: I'm sorry, I missed something there.

Philip Hayes: The lack of response from me and from Mr. Harrison is probably why the public official was called personally by the Judge. Because we've been operating on a very strict basis with the court in avoiding the kind of responsibility that you're concerned about, rightfully so. At the same time, we've got a public health situation that's awful. The Health Department has not brought an action to terminate that. Although we've talked about it. About doing it.

Commissioner Mourdock: Yeah.

Philip Hayes: It's been in order for cure. It's kind of a...it's not atypical of what I'm finding when I'm calling around to the other counties. I'm finding it in Warrick County, I'm finding it here, because it's very dislocating. Health Departments have different views about how much is tolerable. The other place this feeds in is on the new storm water rules.

Commissioner Mourdock: Uh-huh.

Philip Hayes: I talked to John today on the phone about the commentary that was sent up, and I asked him a little bit about the history of publication of the rule, what kind of debate there was, and what kind of potential fiscal and legal impact we were likely to see. We're likely to see a lot, because every time there is any kind of infiltration during storm water occurrences, then we may very well be facing a more speeded up schedule in our area, as opposed to some of these others, but Warrick and Vanderburgh will take a hit on those storm water rules.

Commissioner Mourdock: Just one other thing (Inaudible. Mike not working properly.) Catherine, something that was in the (Inaudible) file, was a code enforcement issue as the owner of Habitat of Evansville for property, and also the (Inaudible).

Philip Hayes: I haven't seen that. I'm sorry, I wasn't ...was it in my file?

President Fanello: No.

Philip Hayes: Okay. I'll be glad to look through it and inform you.

Tammy McKinney: I think that was a surplus property. If I'm not mistaken.

Philip Hayes: Tax sale?

Commissioner Mourdock: I suspect it was (Inaudible. Talking over each other.).

Philip Hayes: Oh, we've acquired it by-

Tammy McKinney: No, Habitat bought it.

Philip Hayes: Oh.

Tammy McKinney: Right.

Commissioner Mourdock: Which is why I'm puzzled. Our name shouldn't be on those things.

Philip Hayes: That's right. Yeah.

Commissioner Mourdock: Okay.

Philip Hayes: Well, we'll find out.

<b>New Business</b>
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President Fanello: Any New Business?

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Meeting was adjourned at 7:28 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Area Plan	Center Assessor	VCCC
County Clerk		

**Travel Requests:**

SWCD	DADS	Treasurer
Health Department		

**Request for Service:**

County Clerk

**Commissioners:**

Letter to County Assessor: Re: GIS Project.  
Amendment No. 10 to the Information Resource Management Agreement

**County Council:** 2003 Holiday Schedule.

**Prosecutor:** Federal Annual Certification Report.

**Sheriff:** Weekly jail information and reports.

**Those in attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Rebecca Gootee	John Stoll
Joe Vezzoso	Steve Craig	Steve Bohleber
Clarence Weber	Brad Ellsworth	Ralph Kissinger
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
February 11, 2002**

The Vanderburgh County Board of Commissioners met in session this 11<sup>th</sup> day of February, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Board of Commissioners meeting of Vanderburgh County for February 11, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions, Tammy McKinney, Superintendent; Phil Hayes, County Attorney; David Mosby, County Commissioner; Richard Mourdock, County Commissioner; Suzanne Crouch, County Auditor; and Madelyn Grayson, Recording Secretary, and myself, Catherine Fanello. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Approval of minutes from February 4<sup>th</sup>.

Commissioner Mourdock: I'll move approval of the minutes as filed.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Certification of February 11, 2002 Executive Session**

Commissioner Mourdock: And I'll also move approval of summary minutes from this afternoon's Executive Session that began at 4:00, ended at 4:30. In attendance were Commissioner Mosby, myself, the County Auditor and County Attorney. The meeting ended at 5:30 and dealt solely with pending litigation.

Commissioner Mosby: The meeting ended at 4:30.

Commissioner Mourdock: What did I say?

Commissioner Mosby: 5:30.

President Fanello: 5:30.

Commissioner Mourdock: It only seemed like 5:30. It ended at 4:30.

Commissioner Mosby: I'll second that.

President Fanello: So ordered.

**Christine Martin: SWIDRCC**

President Fanello: Christine Martin. Where is she?

Christine Martin: Good evening. My name is Christine Martin, and I am the Director for the Southwest Indiana Disaster Resistant Community Corporation. We have come, Roger Lehman is here with me this evening, he is the Chairman of our Board, and we have come this evening to officially request \$10,000 from Vanderburgh County to help fund the SWIDRCC for the year 2001, or 2002. We have gone to the other counties. We already have their commitments, and have already billed the other counties. The City of Evansville has committed \$15,000, and they are in the process of being billed. The other counties; Gibson, Warrick, Spencer and Posey were each asked for \$5,000, and they have already, as I said, approved it and are in the process of being billed. I had given to you handouts, and, Mr. Mourdock, did you receive, Commissioner Mourdock, did you receive that today? Okay. I wondered if any of you had any questions. I had given you a list of our activities from last year. Proposed projects for 2002, and approved budget for 2002.

President Fanello: Does anyone have any questions?

Commissioner Mourdock: The money you are requesting wasn't in the budget, correct?

President Fanello: No.

Christine Martin: No.

President Fanello: Remember they came last year, and I don't think Council ever put that in the budget.

Christine Martin: No.

President Fanello: Not to my knowledge anyway. I think what Christine was wanting to know, if we have any extra money in our budget to help fund it.

Commissioner Mourdock: Join the club.

Christine Martin: We've been trying to get together before the end of last year, but that has been unable to do.

President Fanello: Do I have a motion from anyone?

Roger Lehman: (Inaudible.)

Commissioner Mourdock: Sure.

Roger Lehman: We have experienced in the other counties, the County Commissioners in Posey County took it out of their 2002 budget that was already approved for their \$5,000. The other County Commissioners sent a request to the County Council for additional appropriations. These are all in process, and we would welcome either alternative this evening. We do think that Vanderburgh County has received an exceedingly large amount of funding that would not have come otherwise from this process. What we are seeking to do through this request is to

continue to be able to operate as we have, which includes obtaining grants. We will be going to Little Rock, Arkansas at the end of March to attempt to get on the USGS' next five year rotation program, which potentially could bring \$5 million a year into this area for five years. If we don't have administrative money to continue this work, then all of us have full time jobs, we won't be able to have a director, nor an office person, and we will lose out on the opportunity to do a lot of this work, because we all have jobs. So, this money is really seed money to continue to bring into the county money what has been brought in over the past two years. You see them there in excess of \$1 million, and we just want to keep on doing that. If we don't function, we can't do it.

Commissioner Mosby: I will make a motion that we pass this on to the County Council.

Commissioner Mourdock: I was going to make a suggestion. I know we are going to have a lot of demands on our budget this year. Obviously, we're watching real closely. Would we consider doing \$5,000 early, and then later in the year looking at another \$5,000? Just a thought.

Commissioner Mosby: Either way. I just know we've got to the 14<sup>th</sup> to make their deadline. So. I'd say we pass it on to them. If they don't fund it, then we come back and look at it next month.

Commissioner Mourdock: Alright, fine, and your motion is for the full amount, so I'll go ahead and second.

President Fanello: So ordered. So, our Superintendent, Tammy, can turn in an appropriation, and it will go before Council at the end of the month.

Christine Martin: Thank you very much. We appreciate it.

Commissioner Mosby: Thank you.

President Fanello: Thanks.

<b>Old Courthouse Fall Craft Show Contract Proposal</b>
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President Fanello: Vicki Bohleber.

Steve Bohleber: Steve, again, Bohleber. We had some discussion last week about my wife and her sister operating the craft show at the Old Courthouse this Fall. A contract was presented. There was some discussion. Commissioner Mosby and I met a couple of days after that. We revised the contract and presented it to the Commissioners. We hope it meets with your approval. If so, I have multiple pre-signed copies by Vicki and Theresa. I will leave those with you for your execution, if it otherwise meets your approval.

President Fanello: Do I have any questions?

Commissioner Mosby: A comment. I do, I've got one question here, and possibly one change, and I don't mind if we go ahead and pass this and you can clean your copy-

Steve Bohleber: Alright.

Commissioner Mosby: –and bring it back over. Do you want to go through the changes that we made?

Commissioner Mourdock: No.

Commissioner Mosby: You're aware–

Commissioner Mourdock: Yeah, they added what you wanted about the Coliseum.

Commissioner Mosby: Yeah, the Coliseum and then the money differences. We're going to get part of the gate money, or you can call it the gate money, after the first \$1,000, we get all the table money. Number two, you put down at the bottom;

County shall allow Promoters access to all pertinent records from past Craft Shows.

Steve Bohleber: Uh-huh.

Commissioner Mosby: And I did agree with that. Number four, under Accounting, I would like to make that Accounting and Records–

Steve Bohleber: Certainly.

Commissioner Mosby: And at the end of that where it says;

Promoters shall provide a full accounting to the County for all revenues generated in connection with the show withing forty-five (45) days of the event, and access to all pertinent records of craft show if requested by the County for any reason.

Steve Bohleber: Certainly.

Commissioner Mosby: If you'll just add that sentence, so that we can have access to the records if anything ever happens in the past.

Steve Bohleber: And I–

Commissioner Mosby: The Coliseum is under five, so that's fine with me.

Steve Bohleber: I've just added then;

Promoter shall provide full accounting and records to the County for all revenue generated...da,da,da,da,da,...and access to all pertinent records of craft shows, at County's request.

Commissioner Mosby: Yeah, if requested by the county for any reason.

Steve Bohleber: I will initial that on behalf of my clients, and present a copy with those changes.

Commissioner Mosby: I appreciate it.

Steve Bohleber: Plus a couple of additional copies. I'll pick up a signed copy from the Commissioners later in the week.

Commissioner Mourdock: You need to get your clients approval there? You need to do that pretty quick.

Steve Bohleber: No, I've got authority here.

Philip Hayes: (Inaudible. Talking over each other.) I'm sorry I'm just now bringing it up, but (Inaudible), attorney fees—

Commissioner Mosby: Uh-huh.

Philip Hayes: —it's been our policy not to do those default items. Not to use that.

Steve Bohleber: Do you want to strike that language, Mr. Hayes?

Commissioner Mosby: Yes.

Steve Bohleber: Fine, just strike that whole paragraph.

Commissioner Mosby: Strike number seven.

Philip Hayes: Yeah.

Steve Bohleber: It's fine with me. I'm just trying to be fair and equitable here.

Commissioner Mosby: Okay.

Philip Hayes: I understand.

Steve Bohleber: We'll both benefit, or not benefit equally from that.

Philip Hayes: It's just been a policy—

Steve Bohleber: I understand.

Philip Hayes: —not to include those over the last year—

Steve Bohleber: It cuts both ways. That will be fine.

Philip Hayes: —wherever we catch them, yeah, so.

Steve Bohleber: So, if you take out seven, I'll initial that too.

Philip Hayes: Okay.

Commissioner Mosby: So, I will make a motion to accept the contract with the proper language in number four, and striking number seven.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**21<sup>st</sup> Century Corrections Corporation Jail Proposal**

President Fanello: Okay next we have the—

Steve Bohleber: Thank you.

President Fanello: —thank you...two presentations from Ed Hafer and J.T. Kinkle. I would ask that each group please limit their presentation to ten minutes, so that we can have enough time for questions.

Ken English: Ken English, and this week we are going to show the financials that you asked for. Comparing them to the United/DLZ programs that you have. I think you will see some substantial differences. Alan is going to present this (Inaudible. Walked away from mike.)

Ed Hafer: I'm Ed Hafer, of Hafer and Associates. All we really want to say tonight about the proposed buildings, building, is that, again, we've developed a very flexible scheme here based upon support facilities that could support a jail from 448 up to 640 beds, a juvenile facility of 24, up to 24 beds, and a community corrections facility up to 300 beds. So, again, in comparing scenarios, and trying to find the proverbial apples to apples, I mean, we can stack these various components up in multiple ways. So, even though we've really tried to confine for the interest of simplicity to four basic scenarios, using David's terminology from the Council meeting last week, there are multiple other options here within this scheme. So, with that, I will let Alan go ahead and talk about the various scenarios, the four scenarios that we're presenting, and the financial components behind them.

Alan Braun: I'm Alan Braun with Industrial Contractors. First I would like to talk really about the detail of the, let's go with the summary of the scenarios. This is, basically, what you had given us on the Crowe Chizek study, and we just tried to compare to it. Scenario number one, for us, is 134,000 square feet, 448 beds. Scenario number two is 170,000 square feet and 640 beds. This compared to their 650, but, basically, ours is set up in those 64 pods, so we did 640. Scenario number three is 184,000 square feet, which is the 640, plus a 24 juvenile. Scenario number four is 224,705 square feet, and that's the 640 jail beds, plus 300 community corrections, plus 24 juvenile. Our project costs; for scenario number one are \$25,265,000. Our soft costs are \$3,500,000. For a total cost of \$28,776,000. Our total amount financed is \$30,989,000. Now, we did annual lease payments on this with a 25 year lease, a 20 year, and 15 year lease and financing, using 7.2%. This was today's rate. As you know, the rate can vary, as compared to the 5.56 bond rate that DLZ was using. As you can see, in scenario number two, 170,000 square feet, the project costs were \$31,875,000. Soft costs were \$4,334,000. Total cost, \$36,210,000. I might, just a little bit, elaborate on what we're talking about here under total costs, is construction costs, plus furniture, fixtures and equipment, plus contingency. That's where we get our total project costs. Our soft costs are AEB's and Reimbursables, Developer Fee, Program Plan and Implementation, Other Fees and Costs, Builders Risk Insurance, Telecommunications, and also our Financing Costs, Issuance Costs. We also have all the numbers for scenario number three and number four as you can see there. These are all passed out to you, I won't go through them all.

Commissioner Mourdock: Excuse me, Alan, one question. Scenario two, 640, that's just jail beds? And scenario three is jail beds plus juvenile?

Alan Braun: Yes, it is. Just like it was in the Crowe Chizek report that you all gave us that we were supposed to show you, be similar to. We also looked at not only construction costs, and soft costs, but also the operating costs. Tom Hickey, of Jacobs, talked to the Sheriff and went over it with him, and I'll let him explain these to you.

Tom Hickey: In order to arrive at the operating costs, we focused on all the staff, the security staff, matching up with those identified in the Crowe Chizek report to operate our design concept. Our housing units were set up at 64 bed housing pods, rather than 128, or 125 that was in the Crowe Chizek, which actually requires like double staffing within a housing unit. So, what we did is set up a program, we met with the Sheriff and reviewed the staffing configurations of existing staff and new staff that it would take to operate the facility. So, on the top line there under operating staff for each of the scenarios, those represent the average salary rate that was used in the Crowe Chizek report of the \$28,000 per staff in operating the jail. Now, what we did, so that you have an idea, we actually took all the staffing and created a staff matrix that showed it by shift, and all of the positions that were identified in the Crowe Chizek report under the yellow side, are existing staff. In this side it shows the additional staff required to operate the larger facility. We extended those, and in some cases we, you know, for instance, where Crowe Chizek did not have transportation officer, because of the green field site, we added transportation in. So, in trying to come to an operational matrix, for a comparison, we really dealt with the solution itself, in coming up with that. So, that's really what makes up our staffing analysis, and we provided this matrix for the Sheriff for each of the solutions that he could review with this Chief Deputy and what have you.

Commissioner Mourdock: So, you said you did include a transportation cost component.

Tom Hickey: Yes. We actually had transportation—

Commissioner Mourdock: So, you are assuming this is a green field site, somewhere other than here?

Tom Hickey: Correct.

Commissioner Mourdock: And did you include land in this then?

Alan Braun: No land costs are included.

Commissioner Mourdock: Okay.

Alan Braun: There is no land cost included in any of these illustrations. And there was none in the other illustration.

Commissioner Mourdock: I understand.

Alan Braun: So, I guess, what I'd like to do then is kind of make a comparison for you, and that's what these charts are. That's scenario number one, the 448 bed, United/DLZ's cost is \$26 million. 21<sup>st</sup> Century is \$25,265,000. We're just a little bit less than they are, but we also have 10,000 more square feet, because we have provided for expansion in all of our areas of kitchen, etcetera, where the jail can be expanded. The next scenario, two, is 650 beds, they have, we have 640. The construction cost is \$35,660,000 for United, \$31,875,000 for 21<sup>st</sup> Century. Scenario

number three, the 650 beds, plus the 24 juveniles, ours 640 and 24. \$39,657,000 for United, \$35,099,000 for 21<sup>st</sup> Century. The total, full blown project of 640 beds, 24 juvenile, and 300 community corrections is \$44,807,000 for United, and \$40,550,000 for 21<sup>st</sup> Century.

Ed Hafer: And I might point out that in the detailed pass out it is a per bed cost if you want some idea of what that (Inaudible. Not at mike.)

Alan Braun: Next is the total amount financed, and this would be your soft costs plus your construction costs. Under scenario number one, United/DLZ would be \$35 million, 21<sup>st</sup> Century \$30,989,000. Scenario number two, \$47 million, United. \$38,900,000 for 21<sup>st</sup> Century. Scenario number three, \$52 million for United, \$42,900,000 for 21<sup>st</sup> Century. Under scenario number four it would be \$58,815,000 for United, and \$49,500,000 for 21<sup>st</sup> Century. Going further, if you add in, if you look at the annual lease payment, now we did three scenarios for 21<sup>st</sup> Century, and that was a 15 year, the 20 year and the 25 year. Under the first scenario, for 448 beds, United would be \$2,854,000. The same 25 year for 21<sup>st</sup> Century would be \$2,862,000. For 20 year would be \$3,126,000, and for 15 years \$3,605,000. Under scenario number two, United would be \$3,840,000. 21<sup>st</sup> Century's would be 25 years, \$3,588,000, 20 years \$3,921,000, and 15 years \$4,523,000. If you look on down the line, going to scenario number four, United would be \$4,789,000. 21<sup>st</sup> Century, 25 years would be \$4,540,000, 20 years, \$4,963,000, and 15 year, \$5,728,000. Once again, we are using 7.2% for 21<sup>st</sup> Century, 5.56% for United. As you can see on the chart, we charted it out again, United is in blue, the rest are the color coded. The initial operating costs for United, under scenario number one was \$4,645,000, 21<sup>st</sup> Century was \$3,998,000. Scenario number two was \$5,879,000 for United, \$5,051,000 for 21<sup>st</sup> Century. The last scenario, the full blown was \$9 million for United, and \$6,950,000 for 21<sup>st</sup> Century. Now, if you, and this is the operating costs, and we have the back up on all of it.

Unidentified: First year.

Alan Braun: First year, initial operating costs.

Commissioner Mourdock: Do you, when you say first year, it just kind of hangs in the air, Ed. What are you telling us? What's the multiple years? Is it going to change dramatically? I mean, comparing United/DLZ to yours, is there going to be a marked difference in later years?

Alan Braun: Well, we—

Ed Hafer: (Inaudible. Not at mike.) I can go ahead and show you that, but, obviously if you—

Madelyn Grayson: Mr. Hafer, can you come to the mike, please?

Ed Hafer: We didn't show you that, but, obviously, if you expand each of them by say, 3%, the gap is going to widen.

Alan Braun: This is the combined, initial operating cost, first year, and lease payment. Under scenario number one, United is \$7,500,000. 21<sup>st</sup> Century for 25 years is \$6,860,000, for 20 years is \$7,125,000, and for 15 years is \$7,604,000. Now, you've got to realize that this is only for 15 years. Going on down the line,

scenario number four, United is \$13,824,000. 21<sup>st</sup> Century, 25 years is \$11,489,000. A 20 year is \$11,911,000, and 15 years is \$12,677,000.

Ed Hafer: One quick point on operating costs. These are total operating costs. When it comes to like staff, I mean, these are existing and new. So, these aren't all new costs.

Alan Braun: Now, if the total lease is paid to the term, this just shows you under each scenario; scenario number one, if you paid to the end of the term, the total payments for 25 years for United would be \$71,350,000. For 21<sup>st</sup> Century, \$71,556,000. Under the 20 year scenario, it would be \$62,536,000, and if they took a 15 year lease, the total lease payments would be \$54 million. Under, going all the way to scenario number four, if you took United's 25 year would be \$119,725,000. 21<sup>st</sup> Century's, \$113,522,000. 20 year, \$99,270,000, and if it was a 15 year lease it would be \$85,932,000. That's total lease paid to the end of the term, with different terms, of course. So, if you combine the operating costs with a 3% inflation, and the lease paying to the end of the term, this is for the lease amount paid to the end of the term, and operating costs to the end of the term with 3% inflation. Under scenario number one, United's 25 year would be \$240 million. 21<sup>st</sup> Century, 25 year would be \$217 million. 21<sup>st</sup> Century's, 20 year would be \$169 million, and 21<sup>st</sup> Century's 15 years would be \$128 million. If you went to the end, to scenario number four, it would be \$449 million for United, 25 years. 21<sup>st</sup> Century \$366 million. 20 year, \$285 million, and 21<sup>st</sup> Century, 15 years would be \$215 million. This is the combined operating costs with 3% inflation and lease paid to the end of the term, whatever the term may be, 15, 20,25 years. I think, we feel like 21<sup>st</sup> Century matches up extremely well under every scenario. We have a project that is expandable. We can meet the needs in many ways. You know, we've shown, I think, that Tom has talked to the Sheriff and gone over staffing, etcetera. We've gone through different scenarios with them. We think we can make a project that will work for the county. We don't have a schedule for construction. Not knowing the site, not knowing when you are going to approve it, it's pretty difficult to do. I will say that I don't think, I think it's, very few people would argue with the fact that design-build is a faster method of delivery. Thank you.

President Fanello: Thanks, Alan. Does anybody have any questions?

Philip Hayes: Madam President, on the issue of the cover letter, along with the legal opinion, if I could have your permission, I would just like to address those. It's not in the way of a question, but more in the way of a deconstruction of that presumption.

Commissioner Mourdock: Which letter, Phil?

Philip Hayes: First of all, there's a pass out dated February the 11<sup>th</sup>–

Commissioner Mourdock: Okay.

Philip Hayes: –addressed to the Commissioners, then a paragraph indicating that there is an attached opinion from Counsel Bingham Mc Hale, Sue Beesley, addressing Mr. Shively. Do you have reference to those?

Commissioner Mourdock: Yes.

Philip Hayes: Okay. There are no problems with regard to the conclusions, except for one thing, and that is that it's not your intention, anybody can answer on the team here, it's not your intention to operate this jail, is that correct? I think you answered that positively last week, that you did not intend to operate this jail.

Unidentified: No.

Philip Hayes: Okay. So, the statutory reference that's made by our Title V, Chapter 23, having to do with BOT's, as to build, operate and transfer facilities, means that those would be operated. So, those are not facilities which are within the range of what you are presenting. You don't intend to operate this. We know that there are operators who do build, operate and transfer on leases. Those include Wackenhut is one, Corrections Corporation of America is another, just by way of example. So, our opinion made reference to Title V. We know that we can pass a resolution. The Commission has been so advised, and we could at that point go out for either RFP's or bid those types of facilities. So, the legality of the proposition being brought to us, we can address, since you are not going to operate it, we can address it in the context of what kind of a situation is being presented. What's being presented is a build lease/back, and that is what we will find in the last session that we had, is not authorized under our Indiana law. Not in the way that you propose to have this body do it. We would have to advise this body, as far as it's relationship with the State Board of Tax Commissioners, in order to impose a levy to pay for these items, that this matter would have to be first spec'd, and at that point, bids be taken, because the Indiana bidding laws come into effect. We could not, on a straight away one-to-one basis, simply make a selection and do a negotiation in order to build a facility based on these characteristics that you've given to us both legally and financially. That doesn't comment on the merits of the proposal or anything else. It comments, and it's an effort to try to rectify what seems to be being ignored, and that's the legal power of this body to act. It's a very simple process. The simple process is, that if it wishes to do so, to simply lease a facility and have it built, then it can do the specifications for that, and it can then bid that proposition out. Once done, then all comers are welcome, under those kinds of propositions, but very simply stated that's the issue. I don't think we disagree one bit with what Ms. Beesley has written. If it's being submitted for the proposition, that this is just fine. The one thing that Ms. Beesley needs to assume, which she has not assumed, is that you are not intending, by your proposition, to operate this jail as a private jail. That's the problem with it.

Commissioner Mourdock: I had a question—

Philip Hayes: Other than that, then you're fine.

Les Shively: May I respond to that, please?

Commissioner Mourdock: Let me be sure I understand what you're responding to.

Les Shively: Okay.

Commissioner Mourdock: Your point, Phil, is simply that the way they've presented this, if they are not going to operate it, the only way we could go forward would be to take this similar type package, put it on the marketplace and let others bid it under similar conditions? Is that what you're saying.

Philip Hayes: Simply, very simply speaking, yes. In a rudimentary manner. It's a lot more complex than that, but, yes, that could be done.

President Fanello: Mr. Shively.

Les Shively: Madam President, members of the County Commission, my name is Les Shively. At the last meeting that we were here on January 25<sup>th</sup>, your Counsel opined that there was an Attorney General's opinion that said that the sale and lease/back and BOT statutory provisions were a circumvention of the law, and that we could not legally, this county could not legally proceed in the fashion which 21<sup>st</sup> Century Corporation has proposed. I posed this question to Sue Beesley. The reason we chose Sue Beesley of Bingham Mc Hale is because Ms. Beesley's firm is not involved, presently, with any type of bond counsel functions with the City of Evansville, Vanderburgh County, is totally independent. Mr. Hayes and members of the Commission, the specific question I posed to her, which is summarized in the very first paragraph of the letter is the question I posed to her;

Can a County enter into an arrangement for a new jail complex whereby a private company constructs at the private company's expense, a new jail complex, lease the said facility to the County on a sale and lease/back arrangement, where at the end of the lease term the facility belongs to the County upon payment of a minimal fee?

Ms. Beesley's response is;

The answer to this question is absolutely, yes.

Furthermore, I made it very clear to Ms. Beesley that my clients are doing a sale and lease/back. Which is understood in the parlance of the law and in the financial community, to be a financing vehicle only. It has nothing to do with operations, and made it very clear to her that my client does not intend to operate this jail facility, except provide a methodology to construct this facility on this term, and finance the construction of the facility and sale and lease/back. She has rendered the opinion that you can do that. It's not necessarily, necessary under the BOT statute, Title V, to also operate it. So, I respectfully disagree. I would also like to submit to the Commissioners, Ms. Beesley's letter, which you already have. A copy of the sale and lease/back statute, a copy of the, with all the official annotations, a copy of the build and transfer statute, with all the annotations, including Supreme Court opinions, Court of Appeals decisions, Attorney General opinions, none of which have found these statutes, which were duly enacted, and most recently updated by our General Assembly in the last session, to be improper. Moreover, I've included a summary of private agreements, such as what has been presented to you this evening, from the firm of Ice Miller Donadio & Ryan, which is a publication that is widely distributed to County Attorneys, Municipal Attorneys, which gives guidelines into interacting with and setting up these public-private arrangements. These statutes, as the Ice Miller handout will show you, are given the greatest amount of flexibility, and, again, what's in that handout mirrors completely the opinion of Ms. Beesley of Bingham Mc Hale.

Philip Hayes: Now, Les, let me explain to you how this is going to work. I'm going to render an opinion that this body may go to the State Board of Tax Commissioners with the proper propositions, which is a petition by taxpayers to place the financing costs, which would be lease costs or what have you, on the tax rolls. There will, the scheme of things, as of now is, that there will probably be a jail corporation, such as,

which would be a building corporation, known as a leasing corporation put together. The BOT statute under Title V is, by its name, build, operate and transfer. We know of know authority to on a one-on-one basis, ignore the public bidding laws, and simply negotiate a build/lease without the operate. Without the "o" in the middle. We don't know of any legal authority to do that. We have checked this proposition with our bond counsel, with Baker and Daniels, if we're throwing names around, and I quite frankly, I'll be glad to read your material, which is the first time, first impression we've gotten of it tonight. I've talked to Mr. Hafer, I believe I talked to him almost immediately after the meeting the other day, privately, and told him I thought that what he had better do is review this. The review that I've seen from Ms. Beesley is unsatisfactory. It leaves out the presumption of operate. That's the problem with it. I have no intention of rendering an opinion to this body to go to the State Board of Tax Commissioners without complying, without any intention of complying with the public bidding laws, on any kind of a proposition like this. Because that's simply not authorized under Indiana law. Not authorized. We have build, operate, transfer facilities that have been referred to, there's a jail in Indianapolis, the Sheriff has talked about it. I don't know the full details of it, but be glad to look at it, but the facility is operated in the proposition. That's not what we have here, and that's not what the, either the fiscal body or the executive body has opted to do. So, with all due respect to you and your authority, I think that the presumption and the premise that is being offered here is leaving out that very meaningful operate. In my final discussion of that, may I say that there is an example being used here in Ms. Beesley's letter, which has to do with a public facility, I believe, a water works facility, am I right?

Les Shively: No, you're not correct.

Philip Hayes: Which one is it that?

Les Shively: Mr. Hayes, she simply states in her first paragraph her experience on various—

Philip Hayes: Right.

Les Shively: —she's not comparing it to water (Inaudible. Talking over each other.)

Philip Hayes: The point being that the comparison is apt, because of the fact that those are operating facilities as well. That's part of the privatization scheme. The fundamental premise of privatization is that the entire thing is shipped out. That is what the courts, and that is what the Indiana Attorney General have cited to, and have validated, is privatization. This is not a privatization situation.

President Fanello: Okay, with that said in mind, we need to keep moving here, so—

Les Shively: May I summarize to say this—

President Fanello: —I don't want to get into a legal debate.

Les Shively: —I know I'm not under oath here this evening, but I am an attorney, licensed to practice law in this state, and I have an ethical obligation. I have told you exactly what I told Ms. Beesley, and I told her, and made it very clear, there is no operations involved. She has given her opinion, absolutely, yes. It's not a Les Shively opinion. I've gone out and sought competent people throughout the, from the state, who have no dog in this fight. You've seen a presentation this evening that

shows substantial savings to the taxpayers of the state of Indiana. I would strongly urge this Commission on the behalf of the people of Vanderburgh County, to find out where these differences are. We've shared with you our written material. We've shared with you our research, simply because we are not trying to play gotcha. We're laying it all out here. We've been very open. These folks have been very open with their numbers. We've been very open with the legal research that has been done. Let's look into it. Let's find out why Mr. Hayes has a different opinion. I've seen nothing in writing from Baker and Daniels, but you have in front of you two renowned law firms that have offered their opinion. I think the folks of Vanderburgh County would certainly like to see why we have this difference of opinion. See if we can't come to some resolution, because it seems to me a wonderful opportunity, and an innovative way. Vanderburgh County could be a leader here in moving forward with this project.

President Fanello: Thank you, Mr. Shively. Does anyone have anything else to offer?

Commissioner Mosby: I just want to ask a couple questions here, and it's under operating costs, detailed operating costs. I look at your comparison between United and 21<sup>st</sup> Century. Under operating supplies, it's \$130,000 for United, and I'm just going with the first scenario, because it get worse on back through, \$130,000 in supplies for United, but only \$33,000 for 21<sup>st</sup> Century. Now, I guess, I'm got to how you can buy these supplies for so much cheaper, but I'm going to go on for a minute, because down under Building Maintenance, or let's just go to the last one, Utilities. You've got \$440,000 under United and \$240,000 under 21<sup>st</sup> Century. It's hard for me to believe Vectren is selling you stuff cheaper than they will sell us.

Ed Hafer: Well—

Commissioner Mosby: I mean, I just don't make these comparisons.

Ed Hafer: —we don't have the back up on United's costs, other than one sheet that I've identified. In the case of Utilities it said, gas, electric, sewer and water.

Commissioner Mosby: Okay, Trash Removal, \$52,000 compared to \$20,000. I mean, these are the comparisons I'm making here.

Ed Hafer: Because that's their monthly fee. You know, all we've done is to check out what the monthly fees for a facility like this are. You know, I can certainly give you justification for our numbers. This works out to about \$1.80 a square foot in the case of Utilities. Certainly an acceptable number in, with today's utility rates or whatever. United's costs are \$3.12, I believe, a square foot. I don't know where they got their numbers, David.

Commissioner Mosby: And I don't either, and that's why I would have thought that would have crossed your mind too to think that utilities were \$200,000 different. I mean, I realize that you built this in and you show this big gap, and as you added your 3% to it and took it out over 20 years, and we come up with these astronomical numbers, but I'm still going back to two and three weeks ago, let's play apples to apples. Vectren is not selling you utilities or gas and electric cheaper than they are selling me.

Commissioner Mourdock: But, David, let me throw—

Commissioner Mosby: And Trash Removal, I don't believe, you know, BFI's going to remove it at a cost same to you as same to me.

Commissioner Mourdock: I see two points here, David. Number one, whatever the energy cost would be from Vectren, you're right, on a per kilowatt basis they are probably going to be buying it the same. These folks were working off whatever design they had, and perhaps they do have cheaper energy costs in their design, but even if they don't, the thing I think we have to keep in mind here is the numbers they are providing...well, that's not true either, because you are not going to operate, you're not contracting for those operating costs.

Commissioner Mosby: Right.

Commissioner Mourdock: I take that back.

Commissioner Mosby: And, you know, Supplies \$130,000 and \$30,000, I mean, I can't imagine, you know, if you are going to supply a building—

Ed Hafer: All we did on the breakdown there, when you get to Supplies and Building Maintenance, some of these, were to take historical numbers from Jacobs in terms of what it would cost to operate a jail, and as best we could divide those up according to some pretty elementary information we had as to what they had included in each of theirs.

Commissioner Mosby: Right.

Ed Hafer: So—

Commissioner Mosby: I just find it...I'll have to take time to go through that, but—

Ed Hafer: One last comment I wanted to make relative to the Building Costs. Last time we told you that a downtown, or a high rise project would cost 15% more. That is true. We still stand by that. On the other hand, these costs would be good, as I understand the United proposal is, if we were to build a low rise type facility on the existing Building Authority property.

Commissioner Mosby: So, are these costs taking into consideration the back 40? Or are these costs—

Ed Hafer: I'm really answering in relationship to Mr. Mourdock's costs, or comment relative to transportation. These costs would be applicable for the same type of building on a downtown site.

Commissioner Mosby: Okay.

Commissioner Mourdock: One other question on general operating costs. You said that you had met with the Sheriff, Brad, did you have anything that you wanted to add here? I want to give you the opportunity since you'd looked at the operating. I mean, is there anything that they did include or didn't include that you have comments about regarding what their staffing looked like?

Brad Ellsworth: (Inaudible. Not at mike.) spent four or five hours going (Inaudible)

Madelyn Grayson: May we make a tape change please?

(Tape changed)

Brad Ellsworth: Sheriff Brad Ellsworth: We spent about four to five hours together comparing numbers and pod sizes and (Inaudible) and tried to go down at least in staffing, do that apples to apples. I am pleased and comfortable with the numbers that both, that we programmed with United and with Mr. Hafer's group.

Commissioner Mourdock: From the total design that you had with United versus this and I don't have all, the whole set of United's numbers in front of me. Is there more manpower in this one, less manpower? I am talking this meaning their general building plan.

Brad Ellsworth: In the early programs it's actually very similar in early program what we talked about what 100? What were the pods, Eric? 100 something with two officers in each pod? With the proposal from the Hafer Jacobs team it would be a 64 man pod, but with one person staffing that pod. So, it was really close, what we came up with on the numbers of staff. There were some differences in, I know in United, and going off of the early PMSI, we had cooks involved, that was going off when PMSI and the county actually employed three cooks. Those have since then been eliminated. So, they don't figure in anymore. We would anticipate another contract with another food vendor. So, there is going to be some differences in there, but what we saw was what the Hafer team, we talked about closing down some pods at night with roamers and letting roamers (Inaudible), but we haven't got to that point with the other team here, so it's all still in the works.

President Fanello: If there are no other questions, we'll move onto the next presentation. Thank you, Mr. Hafer, Mr. Braun and Mr. English and Mr. Shively.

**J.T. Kinkle Financial Jail Proposal**

J.T. Kinkle: Thank you. I am J.T. Kinkle, with Jack R. Kinkle and Son Architects. I would like to open this discussion just as I did on the 29<sup>th</sup>. This proposal is project specific. It is not in competition with the previously heard proposal. It is, just stands on it's own merits. It's completely different. It is tied to a site, and it's based upon placing two round towers in the Judge's parking lot. The towers lower floors and basement would be for administrative space and support functions, with the upper floors providing space for 24 and 48 inmates per floor. These floors that I am talking about are both flexible and modular with respect to great segregation of inmate classifications. So, in order to present as close as possible to apples to apples as was requested, the number of beds has changed since the 29<sup>th</sup>. I used 432 and this is as close as I could come to 448 given the perimeters of our design. That floor layout which you have seen is based around a central, indirect supervision station allowing 360 degree visibility for the pod officer and a minimum walking difference for the pod officer, and a minimum walking distance for the floor officer, to safely provide interaction with each cell. With the spin of the chair the pod officer can indirectly see each cell, and have full control over each cell's functions and environment. In other words, the pod officer seated in the central core, controls all doors, water valves, lighting, heating and cooling devices, etc. So, this is, basically, where we stopped on the 29<sup>th</sup>. So, I apologize that my graphs are not a little bigger, I would have like to have done power point, but I had a big couple of weeks. As you can see, the first column is your current proposal. The second column is our annexed addition, done in the manner of a public-private partnership which is build to suit, or turn key. The project costs, construction costs with the fixtures, furniture,

equipment and a contingency of 5% is \$22,925,210, estimated of course against \$26,055,000 for a great number of beds, 448 verses 432. It is as close as I could come for apples to apples. So, the soft costs that we have on the public-private partnership are \$4.5 million verses \$4.8. Again, very similar, very close. The total costs, \$30.8 verses \$27.5. Now going over the information that you gave me, I have to look at, you considered a \$35 million bond is what you were going to use. So, after adding the project costs, soft costs, construction interest, underwriters discount, etc., you require \$35,853,763. Our project would require \$29,468,205. Just using the numbers and you have to look at what is the annual payment based on the bond issue. Crowe Chizek gave us the number of \$2.854 million. Ours using the true uses cost is \$2,038,761, giving a construction cost per bed of \$68,213, verses a public bond at \$80,031. So the daily cost of our bed is \$12.93 cents verses \$17.45, a substantial savings. Now, when you look at that again, annual cost, we are looking at \$815,239 and that is our annual costs savings. So, by going with our public-private partnership, you save \$815,239 a year in construction costs. Over the life, apples to apples, \$20,380,963. Now, feel free to stop me at any time if you have questions over each sheet. So, I can move on with those numbers?

Commissioner Mosby: Okay.

J.T. Kinkle: As I said, the soft costs are essentially the same even though each item is different, even though a number of the items are substantially different. In the end, they net out to be almost the same. Ours being \$4.5, almost \$4.6. Theirs being \$4.8. A lot of it has to do with the issuance costs of a public-private partnership bond. You invited me here today to discuss total operational costs. Using the same format that I was given in the documents you sent to me, our design is more staff intensive. I think, I believe, the number of positions that the current proposal had was 86 positions, after taking in shifts and shift relief factors. Whereas we have 92.1. I am guessing that is going to end up being 93. So, on the other hand, this design distinguishes itself from the 112 bed pod scenario that was presented. In the fact sheets that you gave me, the County Commission, that you recently sent me, it shows 112 inmates. I extrapolated. 112 inmates in a day room with 2 correction officers. Now this is my first exposure to those numbers and I want to make sure that I understood this correctly. You will have two detention officers without firearms, without weapons, in a day room with 112 inmates and you only have 20 personnel, including cooks, maximum, working at the jail at any given time. Is that the correct understanding?

Brad Ellsworth: (Inaudible. Not at mike.)

J.T. Kinkle: Yes.

Commissioner Mourdock: You need to come to the mike, Brad.

J.T. Kinkle: I wanted to confirm what it was.

Brad Ellsworth: One of the things, Sheriff Brad Ellsworth, was 120 person pod, two correction officers working in that pod, cooks, you know that was back when PMSI was presuming that we had cooks in the jail. I don't want that to be an option anymore with a new facility.

J.T. Kinkle: Well, they were given in the current—

Brad Ellsworth: I understand that.

J.T. Kinkle: So, I just want to understand that is truly the proposal at hand, 112 people in a day room with two unarmed correction officers and that's the state of the art.

President Fanello: It's called direct supervision.

J.T. Kinkle: It is all direct supervision and I tell you what you couldn't pay me \$28,000 to directly supervise 112 inmates.

President Fanello: It must be working very successful across the United States.

J.T. Kinkle: Well, okay that's great, but now I hope that you will look at ours and you'll decide to think further about the risk associated and the liability with that design, and what you can have, what you can avoid with our design. Our design cell flexibility is due to the inherent isolation of each wedge. No cell is able to see or directly hear another cell. This gives the administration daily flexibility to arrange inmates from floor to floor, as well as from cell to cell to accommodate that days population. Now some of the inmates that you have to manage would be male, female, violent, non-violent, felony, misdemeanor, sex offenders, inmates with communicable diseases, physical violent, handicapped, substance abuse, mentally disturbed, pre-trial, post-trial. It goes on and one, and permutations, combinations make this exponentially grow. So, if you have a pod with 112 people and you only have four pods, I am trying to understand how you can ever manage that corrections population. I am sure I won't get an answer.

President Fanello: I am not a correction expert, so I can't give you an answer.

J.T. Kinkle: Well, I am sure that I won't get an answer. So, what we are giving is floor to floor flexibility as well as cell to cell. Now, the inmate classifications can be positioned with our design with nearly an infinite number of scenarios, to best fit the staff needs and the changing inmate population, which is probably going to change daily. It's not limited to four pods of 112 inmate populous or any other number. The biggest number you have with ours is six inmates. Six, that leads me to my next... as I did say, our costs are more expensive on the operation staff, we are \$2.5, \$2.578 and the other number is , well I got lost in my own notes, lets see, I don't have it here in front of me, but you'll see that all of these numbers on the operation sheet done in the very same format as United/DLZ are almost all the same. Most are based on bed costs. Actually some of ours, I decided to make higher, just because they, I didn't think it covered it. So now when you start looking at, well the annual payment that you are talking about plus the annual operating expense. Our annual operating expense is \$4,661,853, estimated the same as everyone else's, verses \$4,645,000. Giving you a total annual expense of the new jail operated at \$7,499,000, verses our \$6,700,614. Giving you a daily operational cost of our proposal \$29.57 or United/DLZ at \$28.41. So, they win. Now you have to look at what's the daily costs based on the total annual expense of the jail including everything. What's it cost to finance this thing? What's your yearly payment? What's your operating payment? To operate what they have, using the numbers provided by you, \$45.86 is a daily cost per bed. Our cost is \$42.50. So, an annual cost savings of nearly \$800,000, over 25 years, apples to apples, that's \$19,959,643. Now, everything that I have given you with my operating cost is based on not using the back 40. I think it has been shown that it is not feasible, but if you chose to we can work those out and give a different, it would cause a completely different scenario. Now, with any off-site options, the following additional costs must be considered. These costs are associated with the project dependent on acquiring

new land. Should the back 40 still be under consideration you would have to look at that expense. These costs have been presented to the Commission previously, but are considered outside the scope of this discussion. So, buying the new land, 30 acres, hopefully you would do as well as \$75,000 per acre and that is \$2,025,000. Now, you have the cost of both the financial and the lost time cost to find the land suitable to the project, and demonstrate to the neighbors that it is truly necessary to place the jail in their neighborhood. I am going to guess that you can do that for dollar figures along, 500 legal hours at, I am probably low, \$125 an hour or \$625,000. Now, you find a site, maybe it is a perfectly green site, and this number should be taken out of consideration if you can find a perfectly green site in Vanderburgh County. You would have building demolition or at least environmental assessment and environmental clean up. I am throwing a round figure of a million dollars, probably low. Now, you have to develop that site. You put in new sewers, roads, environmental clean up, \$3 million or \$100,000 per acre. That is a cost of \$6,875,000. Now, I had to make some assumptions, as I said, I had a busy week last week and was unable to schedule with either the Sheriff or anyone else to understand what the usage of the existing jail will be. Now, I have to imagine that if you pay, I think its \$16 a square foot annually for that space?

President Fanello: \$16.83.

J.T. Kinkle: \$16.83 so my numbers are based on \$16, at \$800,000 you would want to do something with that property. The county is going to pay \$800,000 no matter what. So, if you use it, and correct it, and make it usable for a corrections base usage, you probably need to put \$3 million into the project for that. There was some discussion presented to me that there is a thought of using a portion of the existing jail to hold weekly offenders or people that are going to trial that week to get rid of all of the travel costs and all of the expensive operation component there. So, that would be 45,000 square feet. Trying to turn the existing jail into a non-corrections, offices, refitting with office HVAC, lighting, etc., I think would cost about \$120 per square foot or \$5.4 million. Now, to take the 5,000 square feet you need from the existing jail to make it temporary holding for court appearances weekly is probably going to cost you somewhere more in the neighborhood of \$400 a square foot, because it is to incredibly intensive in small area. That would cost \$2 million for a total there of non corrections based usage of \$7.4 million. Now, it would also be important to get into, well what's that little jail going to cost you? At a minimum I think you would need two officers, a matron as required, three shifts per day with the same shift factor that was given by PMSI at \$792 a day. Daily costs for the meals \$36 based on ten inmates. The daily cost of transporting the meals because you need one hot meal, you have to do at least once a day, that's going to cost a minimum of \$22 and I actually don't know any possible way that it could be done in two hours but I will give you the benefit of the doubt. Now, here instead of using a figure that gets into the operation utility cost of the actual building, I would assume that you would stick with the same building rent of \$16 per square foot, \$219 for a total of \$1,069. Not to mention that now you have to dictate to the Judges that they will be required to schedule court appearances one week in advance. So, now you take all of the numbers and you start putting them together. So, we have kind of gone sheet by sheet here of disagreeing with me. First sheet, no disagreements, I didn't hear any on the second, this is the third and probably the most controversial. You put that late end expense cost adjustments in, the land, the renovation, the facility operation costs and now you are looking at an additional \$1.5 million to the current proposal. It would cost \$207,000 a year that you would have to add to my proposal. So, a daily cost per bed based on that, \$9.03 verses \$1.32 and that brings us to daily cost per bed on annual payment and including adjustments itemized

above, \$54.89 per bed for your current proposal. These numbers that I have been given verses \$43.81, giving you a total annual operating expense of eight basically nine, \$8,975,229 for the current proposal, \$6,908,000 for our proposal. The annual cost savings based upon those numbers, obviously with the current proposal, that is not applicable, but it would be a \$2,067,059 savings with ours, for over the 25 year and, again, this is apples to apples, \$51,676,481 and I meant to take the cents off but I forgot to do that. So, hopefully, what I set out to do with this proposal was tell you that there is another option out there, and to show it to you. Now, as the questions led last time about the financing, there is no doubt that our proposal does require a referendum and it would be publicly bid, but I think the taxpayers would be excited to vote for the referendum, or at least be given that option. So, thank you for your time and if you have any questions.

Commissioner Mourdock: The public bidding on what you are proposing to do would be basically bidding the construction and what you've otherwise designed for the construction and the lease package?

J.T. Kinkle: Correct, correct. But it is a public-private partnership, and it's in the build to suit area.

Commissioner Mourdock: And Phil, I presume you'd have those same questions that you were talking to Mr. Shively about?

Phil Hayes: Yes, the set up with regard to bill lease/backs in Indiana.

J.T. Kinkle: This is not a build lease/back. It is a public-private partnership. It's in a different spot.

Phil Hayes: I appreciate what you are saying in that it's not a build lease/back. I don't know what a public private-partnership bond is, but we can talk about that and you can instruct. The point being the Commissioners question is, yes. What, if I understand correctly what the Kinkle proposal is, basically, that they would take the place of the architect selected and contracted now, they would spec this sort of construction out and you use the term, bond, so I assume that it's some type of-

J.T. Kinkle: Tax free financing.

Phil Hayes: --which would require, again the procedures with the State Board of Tax Commissioners. The authority to get the levy, the petitioning and you don't mean a plebiscite-

J.T. Kinkle: I don't know what that word means.

Phil Hayes: -well, you said that it would require an election, did you say?

J.T. Kinkle: A referendum. So, I guess November is our next referendum.

Phil Hayes: Well, we don't referendum in this state and what-

J.T. Kinkle: You don't?

Phil Hayes: -what you would have is a petition process, and then you would have an opportunity for remonstrance under the bonding laws, is what you are talking about.

J.T. Kinkle: Okay.

Phil Hayes: However it is done, the point is that what you are talking about is going ahead and trying to do this, and, again, it's the authority granted by the legislature that we can't overcome, basically, and that is that on the private end of the build lease/back we don't have that luxury of negotiating that out.

J.T. Kinkle: Well, given a letter of intent, I would be happy to bring our consultant into the picture, who has instructed us on how this bonding would occur.

Phil Hayes: You are leaving me hanging, who's your consultant?

J.T. Kinkle: I am leaving you hanging?

Phil Hayes: Sure, not Mr. Shively's authority is it?

J.T. Kinkle: No, no.

President Fanello: Okay, if there are no other questions?

Les Shively: (Inaudible), I address the tax levy?

President Fanello: Very quickly.

Les Shively: It won't take long. I was trying to respond to what I thought was Mr. Hayes comments a while ago, and I was remiss in not hitting the obvious comment that Mr. Hayes made, that going to the State Board of Tax Commissioners for levy. It isn't necessary with our proposal, because the financing is provided privately. The county will not have to borrow any money, and you will not have to go to the State Board of Tax Commissioners for a levy authority. Pure and simple. I think that is a distinction that is real that this Commission needs to take into consideration.

President Fanello: Thank you, Mr. Shively.

J.T. Kinkle: We also looked at that same proposal and decided that we would rather show you what we showed you. Because of the obvious you can do so much better with tax free bonds. I am sure that the county would be more than happy to vote this in. I hope that the county would be more than happy.

President Fanello: Thank you, Mr. Kinkle.

J.T. Kinkle: Thank you.

President Fanello: Thank you for your time.

Commissioner Mourdock: Just kind of summary comment from both of these presentations. I think, again, that they have raised a lot of very good points, because a couple of weeks in a row here where we have had some good discussions about the jail project. Not being the attorney and realizing that the reason we have Judges is because we also have attorneys with different opinions. I would like to see us try to proceed in some way that we can answer that question and, perhaps Mr. Shively's last point about not having to be a publicly bonded issue, maybe that makes it a little simpler, but when I look at the last pages of both of these presentations, not that I need to be reminded of it, but these are huge dollars that we are talking about. I

think we would be less than diligent if we didn't take these under advisement and plan on having some additional discussion at some point down the road again, as far as what the options might be. If for no other reason, David's questions about comparing the 21<sup>st</sup> Century one, their specific operating costs verses the ones we'd received previously. I would certainly, at this point in a project like this, there can be a lot of justifiable reasons for operating costs, but when you start to look at the total cost to the county over the 25 years, again, it's big numbers.

President Fanello: And how long are you wanting to take these under advisement?

Commissioner Mosby: One week.

President Fanello: Well, we don't have a meeting next week.

Commissioner Mosby: Two weeks.

President Fanello: That would give us two weeks.

Commissioner Mourdock: We can come back and have some discussion in two weeks is fine.

President Fanello: I would like for us to wrap it up on that night.

Commissioner Mourdock: Well, we can certainly bring anything up for a vote at anytime. I just will make the point again. We are looking at big numbers and just doing some quick math on the numbers we were presented on each one of these presentations, each one of them, just doing the total beds times the yearly cost and the number, the term of the agreements, each one of them is well over the cost for the federal prisoners and the state prisoners that we have talked about and that just raises a lot of alarm bells in my mind, because we've had that discussion from different people at different times, well, you know we can offset this cost by filling the jails vacant prisoners or state prisoners and the cheapest of any of these is at least six bucks a bed per night over the cost that we would otherwise have coming in as revenue. So, I mean, I think those kinds of questions out there may be hard to resolve in a week or two, but, again, I think we are asking the right questions.

President Fanello: Any comments? Okay.

J.T. Kinkle: I am not sure that I understand what is happening in two weeks.

President Fanello: Well, we need to come back, we need to take this under advisement and I guess we will have-

J.T. Kinkle: So, will I be contacted?

President Fanello: - we will have discussion on the 25<sup>th</sup>, I don't know if it's necessary for you to be here that night. I'm not exactly sure what kind of discussion will happen that night, so-

J.T. Kinkle: Thank you for your time.

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

**(Tape changed)**

Madelyn Grayson: Thank you.

**Travel Ordinance: Per Diem**

President Fanello: Next item on the agenda was the Travel Ordinance, and I would like to defer that until our next meeting, if that is possible.

Commissioner Mourdock: I'll move deferring the Travel Ordinance.

President Fanello: He made a motion.

Commissioner Mosby: Second.

President Fanello: Okay.

**Phil Lawrence: Permission to Advertise APA014-2002: Traffic Paint  
and APA015-2002: Traffic Signs**

President Fanello: Phil Lawrence.

Phil Lawrence: Phil Lawrence, Purchasing Department. I need permission to advertise the—

President Fanello: Judge Heldt and Judge Bowers?

Unidentified: Yes?

President Fanello: Can you stick around for a few minutes?

Unidentified: So close.

President Fanello: So close, yet so far. Oh, did Judge Lloyd leave?

Unidentified: Yes, she did.

President Fanello: Somebody go track her down. Thank you for hanging around a few minutes.

Phil Lawrence: Okay. Permission to advertise the annual price agreements for the traffic signs, APA014, and APA015 traffic signs.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Philip Hayes: You sure you don't want to enter into a public-private partnership? To just negotiate that and forget the bidding?

**Discussion on Letter from Judge Heldt:  
Community Corrections**

President Fanello: Since the Judges are in here right now, I would like to go ahead, it's not on the agenda, but have a discussion about the letter that we received on Friday. I'm sure everyone had an opportunity to read it. That was from Judge Heldt.

Commissioner Mourdock: No, I haven't seen the Judge's letter.

President Fanello: Was it—

Commissioner Mourdock: I was out of town.

President Fanello: I think I have a copy of it here.

Commissioner Mourdock: State the (Inaudible).

President Fanello: Okay. I think Judge Heldt might, could you come up and give us a little synopsis of the letter, since Commissioner Mourdock didn't have a chance to read it over the weekend?

Carl Heldt: Frankly the purpose, the reason for the letter was that I had read in the paper some comments from, I think, Sheriff Ellsworth that, I think, to the effect that perhaps Community Corrections needed to be, or not needed to be, maybe, have to be phased out, and that the functions that take place at the Community Corrections Complex be diverted either to the Department of Corrections or to Probation, or Electronic House Arrest. The purpose of this letter is to say that it's much more complicated than that, and that it's my belief that through a substantial reduction or elimination of community corrections would put an additional growth spurt upon the county jail, and to point out that work release began in the county jail, 35 years ago. Over a period of time, we got to the Corrections Complex. That one of the reasons that Vanderburgh County has been able to survive with the jail as small as it is, is because you've got 205 people out at the Corrections Complex, many of whom if they weren't there, would be in the county jail. The purpose of it was to tell Sheriff Ellsworth, and with copies to everyone I sent copies to, that in my opinion, it would be a real tragedy and a disaster for the county if community corrections were closed, if that's being considered. To say nothing at all of the other programs that come out of community corrections, such as the drug and education programs, community service programs, day reporting, home detention. Home detention operates out of the Corrections Complex, but most specifically that if the work release function were closed down out there, that I believe that much of that business would be moved to the county jail. Rather than building a 464 bed jail, you need to be thinking about something much, much bigger. Which I'm sure you don't want to do. So, I think that money spent on the Community Corrections Complex, is money well spent, because it is going to generate savings with your county jail, which is much more expensive. That was the purpose of the letter. Just to put everyone on notice that those problems weren't just going to go away. They weren't, we can't ship it all to Department of Corrections. It just won't happen. That was the purpose of it.

President Fanello: Does anybody have any comments that they would like to make? Judge Bowers would you like to add anything to?

Scott Bowers: Only, by the microphone, I know. The Superior Court Judges are going to meet on Wednesday and just discuss Community Corrections policy and work release policy, in particular, and see what kind of a configuration would make

sense in view of the county's fiscal restraints and other demands. So, I don't really have anything that I could add to the discussion, at this point, other than that we are going to be talking, and , hopefully, we will have some ideas that will contribute to the discussion.

President Fanello: I think that Commissioner Mosby brought up last week, you know, the problems we've had with the building itself, and I don't think anyone wants to close community corrections. I think it's not a problem with community corrections, it's a problem with the facility we are currently occupying. I had a conversation with Joe Fistrovich who is the Director of Finance, I believe, at the DOC, if that's, is that correct, Brad?

Brad Ellsworth: Yes.

President Fanello: Okay. He is currently setting up a meeting with Mike Claytor from Crowe Chizek, our financial advisor, to talk about possible financing of, or helping us with some community corrections money. So, hopefully, we'll know something here in the next week or so. Did you want to add something, Sheriff?

Brad Ellsworth: Yes, please. Sheriff Brad Ellsworth. I would answer any questions about community corrections and what's going on right now, but before I do that, I would like to clarify for the record, I don't think the comments that Judge Heldt referred to came from me, as far as the closing it down. I'm not saying that that couldn't happen with the, you know, stroke of a pen, but I don't think the comments in the paper came from me on community corrections being closed down. If you have any questions about the current operation, I would be glad to answer those.

President Fanello: Do you have any questions? Okay. Do you have any questions, Commissioner Mourdock? Okay. Just keep us informed of your meeting, and how things turn out. Thank you.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Okay, is there any other group or individual wishing to address the board? Seeing none, I guess we move on to Department Head Reports, County Engineer. Is he outside?

Commissioner Mourdock: Let's go with Ralph. Oh, Ralph went to get him, we can't go with Ralph. How about Phil?

President Fanello: Let's, Steve Craig, why don't you go ahead while we're...

**Steve Craig: Burdette Park**

Steve Craig: Steve Craig, Manager of Burdette. The only thing I have is a request to surplus a park truck and to acquire surplus gradall and pickup truck from the County Highway.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Tammy McKinney: Steve, the only problem with that is I haven't got any documentation that the Highway is surplus that yet. So, once I get that from the Highway to surplus it, then you can get it.

Steve Craig: Well, Ralph was supposed to be up here before me.

President Fanello: Okay.

Tammy McKinney: That's why there is nothing in the packets about that, because I hadn't gotten anything from the Highway.

Ralph Kissinger: My secretary was supposed to send that over this week. She didn't send that? I have surplus three vehicles, and he requested them. So, I'll get all the paperwork involved with that.

Tammy McKinney: Okay, and then let's just officially do it on the 25<sup>th</sup>. I'll have all that in the packets.

Ralph Kissinger: Okay. I'm sorry, I thought she sent that. I was not in the office today, so I didn't know that she didn't send it in before now.

Tammy McKinney: That's okay.

President Fanello: Alright, thanks, Steve.

**John Stoll: County Engineer**

President Fanello: John Stoll.

John Stoll: The only item I've got, is that I received a copy of that petition that was submitted last week in regard to Schutte Road. After reviewing it, with your approval, I would just like to go ahead and request that EUTS do some more detailed traffic analysis to see what we really need to do out there. Granted there are some problems as far as the ditches being right up on the edge of the road and all that, but as far as trying to determine what kind of turn lane lengths and things like that we might need, I think they would be more appropriate to look at it.

Commissioner Mourdock: Okay, I'll move we direct the County Engineer to work with EUTS on Schutte Road.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: That's all I have this week.

President Fanello: Thank you, John.

**Ralph Kissinger: County Highway**

President Fanello: Ralph, County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my reports. I really don't have anything additional to add now that Steve let the cat out of the bag on the surplus. I do apologize. I thought that my secretary understood that she was supposed to send a copy of that with my packet, but I will get it in this week. It needs to get to you for, to be declared surplus?

Tammy McKinney: Right.

Ralph Kissinger: Okay.

Tammy McKinney: Thanks.

Commissioner Mourdock: Thank you.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: The Auditor will require an endorsement on a \$500 collection matter that's been done on a case 82D06-0003-SC-2491. There is correspondence with that matter, and I'll just simply submit that information for the record, and show the crediting of a \$500 payment on that judgement. Which is to the benefit of the county. That's the only matter we have I think—

Suzanne Crouch: Are you going to put that in the signature file?

Philip Hayes: —tonight. Yes, it would require an endorsement and deposit through you.

Commissioner Mourdock: I'll move that we add same to the signature file.

Commissioner Mosby: Second.

President Fanello: So ordered.

Philip Hayes: That's all we have this evening.

President Fanello: Soil and Water Reports, did you want to make a motion?

Commissioner Mourdock: Tammy.

Tammy McKinney: She always forgets me.

President Fanello: I'm sorry.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Tammy.

Commissioner Mourdock: No respect.

President Fanello: No respect.

Commissioner Mourdock: Rodney Dangerfield.

Tammy McKinney: Exactly. I do have a couple of things. I spoke with Shirley James a couple of times in the past couple of weeks, and I think she came, or the Greenway Passage came to ask for an appropriation. I think they kind of got their wording mixed up, because in the minutes you gave them permission to go before Council, but what they want to do is for us to go to Council for appropriation. So, since appropriations are due on Friday, I just wanted your permission to put in an appropriation for the Greenway Passageway.

Commissioner Mosby: I'll make a motion that you put it in for them.

Commissioner Mourdock: How much was it?

Tammy McKinney: I think \$12,000? I'll go back and check the minutes. That was the meeting I missed, so. I think it's \$12,000.

Commissioner Mourdock: I'll wish them luck and second.

Tammy McKinney: Okay.

President Fanello: So ordered.

Tammy McKinney: Next thing, I touched based today with Debbie Bennett. She is the Grant Writer. Just to inform her that we are working on getting a 501-C3 status, and so to start looking for grants for that. When I was talking to her, she was sending me a letter telling me that she hasn't found very much. So, but we are touching base on that. So, that's the status on that.

President Fanello: Is that it?

Tammy McKinney: That's all.

President Fanello: Thank you.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move we include Soil and Water and the Ozone Officer's Report to the Consent, to the Department Head Reports.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

President Fanello: Consent Items?

Commissioner Mourdock: Move approval as filed.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

**Scheduled Meetings**

President Fanello: Scheduled meetings.

Commissioner Mourdock: We do not meet next week.

President Fanello: We do not meet next week. When we come back we will have Rezoning and Drainage in the same night.

Commissioner Mosby: Okay.

**Old Business**

President Fanello: Old Business.

Commissioner Mosby: I don't know if it's Old Business or New Business. I was over at the Old Courthouse today, and, hopefully, we are going to be in the process of maybe leasing some space over there to the City Police Department and possibly the Sheriff's Department and Police Department, down the road. Being over there, we took some pictures, and what I would like to do is have Tammy write up a request to go back to Council to see about getting some funding for the Courthouse roof. We're going to get some more of these pictures made, but in these you'll be able to see some of the damage that is occurring day-by-day over there. Being over there today, and the maintenance man showing me a couple of different areas, and the plaster coming off the ceilings. The one picture is an actual hole in the ceiling. That's not really a skylight. It's not supposed to be there. So, don't misinterpret that as a skylight, because it's not. It's just a flat hole in the roof. We're letting the building deteriorate, really, to about nothing by just sitting around and doing nothing. So, with some of the possible LIT money that the Council has, I'm hoping that we can find close to a million dollars to go ahead and try to put a roof on this building. I would support that and then hope that the rest of the Commission would support it, in sending this—

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mosby: Yeah, because we've got it on disk. So, we can run more copies. But, and, hopefully, these pictures, we'll give a set to the Council so they can see exactly what is happening. If they are interested in taking a tour of the building, the maintenance man is over there at their leisure, and he will be glad to walk them around and show them where the water is actually running into the light fixtures. We have light fixtures that don't work at this point. Light fixtures that we can't use, at this point, due to the water coming in. So, it's not a good situation. There's a lot of interest in the building, and if we don't do something with it immediately...I was talking with Chief Gullede and Chief Fehrenbacher and all the other to be's over in the City Police Department today, and they love the building, and I think it's time that we try to do something with it. If we can get the Council to fund the roof on it, I would look at this Commission coming back and possibly

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<sup>1</sup>Consent Items listed on Page 38.

funding some of the window renovation that needs to be done to do as the architect said in their findings over there. That we need to seal the building. I believe we've got a good start on a lot of things over there, so.

Commissioner Mourdock: I presume though, those discussions with City Police were very preliminary, but do you have any idea how much space they are talking about? And for how long?

Commissioner Mosby: I think they are going to take 107, which is 1,300 square feet, and we talked about a three year contract with them, because they didn't want to come in on a year-to-year basis. Then the possibility that they are going to talk with the Sheriff. There's another room over there that is 1,979 square feet that they would be interested in looking at the combined lease with the Sheriff on a couple of deals. Then they also looked at a room in the basement that is not really very big, and they were talking about just doing some possible polygraphs, interrogation type things. We looked at a small room down there—

Commissioner Mourdock: Yeah.

Commissioner Mosby: —we showed them the phone booth. No, but they might be interested in that too. So, I spent probably an hour and a half or two hours with them guys over there today, and they said they would definitely keep that building in mind also for other things too.

Tammy McKinney: (Inaudible. Mike not on.)

Commissioner Mosby: Yeah, they like what they see, and they are going to go talk with the Mayor, and, hopefully, this will all work out.

Commissioner Mourdock: I've said many times, the best use for that building is some governmental use. That's what it was designed for, and it's never going to be a good retail building, but for governmental use, it might see it's better day.

Tammy McKinney: David, I talked with the Mayor after Solid Waste, and Gullede has talked with him, and he's all for it. He said, he is going to be out of town for a couple days, and be back in town the end of this week. He would like to get something nailed down by March 1<sup>st</sup>.

Commissioner Mosby: They are very interested in getting in quickly. I will probably say, and I don't know if I need to make a motion, we need to do some painting in that one room, and we need to clean the carpets in there for them. They've asked that we do that at our expense. So, we might incur some up front costs to get that room ready, but not a whole lot. The carpet does not have to be replaced. The walls look pretty good. Most everything else is in pretty good shape. It's just the fact—

Tammy McKinney: What's got to be done is going to be minor.

Commissioner Mosby: Yeah. We might incur a little bit of cost.

Commissioner Mourdock: Yeah. I suspect you will hear from the Council for any funding requests, just that we, again, continue to work on the total plan for the building, because what we do even with that million dollars for the roof, if, in fact, it is a million, I know the original was \$700,000, I think—

Commissioner Mosby: That's what I asked again about a week ago, and somebody told me to look between \$700,000 and \$1 million.

Commissioner Mourdock: Yeah, yeah, I hope we can do it for \$1 million.

Commissioner Mosby: I hope we can too. I don't think if we do something to the roof and the windows that we've threw away any money, because the four different people that I've talked to, and a couple of them being energy saving consultants that have looked at that building and walked through with the maintenance man, have said we can in no way hurt ourselves by sealing the building up. So, I guess, number one I would ask that we go and make a request to the Council. Number two, we might have to spend some money to get that building ready for the Evansville City Police. I don't know what them figures are.

Commissioner Mourdock: I don't know what--

Commissioner Mosby: Coming out of Tammy's budget.

Tammy McKinney: (Inaudible. Mike not on.)

Commissioner Mosby: Do you want them separated?

Commissioner Mourdock: Yeah, just state the motion again.

Commissioner Mosby: The first motion would be that we have Tammy write up a request for the County Council for up to \$1 million on the roof.

Commissioner Mourdock: Okay. Second.

President Fanello: So ordered.

Commissioner Mosby: Second motion would be that we, I guess, we'll have to get estimates and quotes, but that we would spend the money to clean the carpets and paint the room to get it ready for the Evansville City Police Department.

Commissioner Mourdock: Second.

President Fanello: So ordered. Is there anyone else that has any Old Business? I've got a couple of things here. About three things. First of all, getting back to our discussion on site selection. I guess, I would like to know if anybody has any different thoughts. I would kind of like for us to make a motion tonight whether we are going to stay with the back 40, or within the vicinity of the Civic Center, or if we are going to go to a green field site. So, I guess, I would like to hear everyone's comments on that.

Commissioner Mourdock: I guess, my comment is, I don't know that we can do that yet without, again, kicking this thing to know more fundamentally what the footprint of the building is going to be. I will tell you that I have mellowed a bit on the Courts parking lot, in talking with some other folks, but I haven't necessarily mellowed entirely in the sense of some of the adjoining property, as far as what it's availability might be across Ninth Street. I am hesitant to rush into saying, yeah, absolutely, positively it's going to be the back 40. I know the Sheriff has said, in some ways, he thinks that's the best site, but on the other hand, if he's still here, I think he's also said that that site, he feels, is pretty restrictive for it's size. So, I guess, I'm

wondering if we really are yet at the point where we have the information, just to say, absolutely, positively. If you're approaching it in this way, Catherine, to say, if this were the motion, hypothetically, that we direct the architects to give us a plan that fits one site or the other, or give us their best estimate, then I'm okay with that, certainly. But, I don't know that we can make a final discussion or make a final decision tonight, if that's what you are looking to do.

President Fanello: Restate your first—

Commissioner Mourdock: What I started to say a second ago?

President Fanello: Uh-huh.

Commissioner Mourdock: If our motion tonight is simply to direct the architect to give us some schematic plan, to see how it would fit either one of those two sites, I'm okay with that. Is that what you are looking to do?

President Fanello: I just think we need to give them some kind of direction as to where we are going.

Commissioner Mourdock: Yeah, well, I'm..I think there's enough potential on each of those two sites. So, I'll go ahead and make a motion that we direct United/DLZ to work up a plan to see if those sites are favorable to a, and this is where it gets tricky, I'll say to their, what was their minimal proposal, 448 beds?

President Fanello: 484.

Commissioner Mourdock: 484 beds. Because if it's not going to work for that one, we know it isn't going to work for the others. So, give them the minimal one, and see if it would work for that.

Commissioner Mosby: This is on the back 40?

Commissioner Mourdock: On either of those two sites.

President Fanello: He's just saying have them work up a feasibility.

Commissioner Mourdock: Let me state it another way, David. If we tell them look at these two sites, this parking lot and the back 40 to see if your minimal design works for either one of those two sites, and report back to us.

Commissioner Mosby: Okay, you're talking about the Judges parking lot—

Commissioner Mourdock: Right.

Commissioner Mosby: —or the back 40.

Commissioner Mourdock: Correct.

Commissioner Mosby: I don't know if they'll get it on the Judges parking lot, but that's—

Commissioner Mourdock: Well, and I don't know either.

President Fanello: If they could go ahead and either count—

Commissioner Mosby: Yeah, I'll second that.

President Fanello: Okay. So ordered. The other two things I have are the Old Courthouse Advisory Board Ordinance that we talked about last week. I think there was some kind of new language worked up on the Board members. I don't know, did you get a copy of?

Commissioner Mourdock: I don't think I did.

President Fanello: I don't know if I have the (Inaudible).

Commissioner Mosby: It's not in my packet either.

Commissioner Mourdock: It was just about staggering the terms?

President Fanello: Uh-huh.

Commissioner Mosby: No, it's more than staggering the terms. We, I got with Jonathan Weinzapfel, who was working on this, and we were talking about the way it was, and I had him go to a seven member board, which would be three members appointed by the Commissioners for a two year term, one member who currently serves as a director on the Old Courthouse Foundation, appointed by their Advisory Board, rather than appointed by us. One member appointed by the members of the County Council and the majority party, and one member appointed by the minority party, and then the Vanderburgh County Superintendent of Buildings would sit on that Board, who oversees that.

Commissioner Mourdock: I'll accept.

Commissioner Mosby: So, I thought we would go to a seven member board. Let the Old Courthouse Foundation appoint their own. Tammy would be an automatic member, or whoever is in that position, and then three by us and two by Council.

Commissioner Mourdock: Okay.

Commissioner Mosby: So, we got together and worked it up, and they are staggered on one and two year terms.

Commissioner Mourdock: Okay, so with that change from our discussion last week, we simply need to move to advertise?

President Fanello: Yes, we would like to have permission to advertise.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: And do you want first reading for that on the 25<sup>th</sup> of this month?

President Fanello: That would be fine.

Madelyn Grayson: Okay, then I will need a disk tomorrow morning, Tammy, to get to the—

President Fanello: Do you have that, Tammy?

Commissioner Mosby: I think Jonathan...I think Jonathan had—

Tammy McKinney: Jonathan would have it.

President Fanello: Okay.

Commissioner Mourdock: Okay, if it doesn't come up until the following Monday—

Commissioner Mosby: Patty says she'll—

Philip Hayes: Patty said—

Commissioner Mosby: —that was just a draft that he sent in to see if we like it. Me and him worked on it Friday.

Madelyn Grayson: Because we have an early morning, about 11:00 deadline with the Courier.

President Fanello: Can you work on that in the morning, Tammy? Okay, the other thing is, I received a request by fax today from Architecture Plus, wanting to be placed on the agenda for February 25<sup>th</sup> to propose, I guess I'll read it to you;

Architecture Plus and its construction management division, Contract Management Concepts, specializes in design, construction management of criminal justice services as a turn key package. Therefore, we request to be allowed to make a presentation to the County Commission at your February 25, 2002 meeting.

Thoughts?

Commissioner Mosby: My thought is that we've gotten away from what I consider a private proposal. I appreciate J.T. Kinkle making his proposal tonight, but now he's saying this is more of a private-public partnership, than a private proposal. I mean, I don't know if Architecture Plus and Ed Bassemier are coming in with a financial package, all in one, or what their hope is here, but, I mean, if this is another one of these, well, we can build this, we can contract it out, but you are going to have to pay the freight, I mean, we've already got that. Architecture Plus was one of the firms that was in the first eleven that we all went through, and they didn't make anybody's top six. So, now they are back with, you know, with a private proposal, and I would assume that if we are going to hear this, we might as well, you know, send one to Ace Consulting and Mike Shoulders and everybody else, and let them come in and make a turn key proposal. I mean, that's what it's getting to. The people that got voted out now are all wanting to come back and make turn key proposals, and it's becoming a bidding war. I've seen that tonight right here on the floor. We've gotten into a bidding war. Everybody is looking to lessen the cost in anyway possible. When I see \$40,000 difference in Trash Removal, you know, it bothers me. I see \$250,000 in Electrical Costs, and another \$100,000 in Supplies. Everybody is looking to cut their costs however.

Commissioner Mourdock: Is that a bad thing?

Commissioner Mosby: No, but if one can, if one can supply the jail for \$30,000, I'm sure the other one can, unless we just, you know, unless the Sheriff mismanages and starts buying, you know, ungodly and outrageously, maybe....and I don't know, I can't see BFI charging us more to remove trash if United builds it rather than they would have if Hafer builds it.

Commissioner Mourdock: My point is—

Commissioner Mosby: I guess, that's my point. So, one is assuming how much trash is coming out of the building, and the other is assuming how much trash is coming out of the building. I guess, in best case scenario, you are going to hope that Hafer is right, I'm going to hope that Hafer's right, because their trash cost removal is only \$20,000.

Commissioner Mourdock: I'm at the, with the big nine digit numbers for the full life of this project, the trash removal is the least of my concerns, but the process is important. On the one hand, regarding this specific request from this company, I am certainly not in the frame of mind to open the door again and, in effect, open Pandora's Box. Okay?

Commissioner Mosby: That's what we've done already.

Commissioner Mourdock: That's correct. However, having seen the numbers that we saw tonight, again, I think, as I said before, we would be less than diligent, if we didn't try to chase some of this down. Whether the electrical cost is here, or whether it's down here is important only in the sense that if you are going to contract with somebody to build this, you can certainly add in that contract or design it, you can have some requirements in there that the energy costs meet this certain level. Even if it's done totally on a normal bid basis, they still have to stand by on the quality of their work so that there is so many kilowatts used per degree day, and all of those kind of things. I mean, you can have that type of contracting. I think whatever we can do to bring into this process, to bring the cost down, and to be challenged to get others or everyone to bring the cost down, I see that as a good thing, not a bad thing. It's a laborious thing for us, but, again, we are talking about nine digit numbers at the end of this project, and that's lot of money.

Commissioner Mosby: I'm sure what we'll probably hear if we do that, and we go back on them after the cost, they'll have assumed that it was only going to get so cold, or assumed that it was only going to get so hot.

Commissioner Mourdock: No, that's—

Commissioner Mosby: And their costs all of a sudden ran over. I mean, that's what we are getting to. Yeah, it's big numbers. You know, I'm sitting here watching, and they are taking numbers times 3%, times 25 years, and they are getting into outlandish numbers. I'll go back and take the \$250,000 out and then take the half a million out, and I'll start taking 3% less than that, and go back and back the numbers back out for you. And that's exactly what's happening here. They're projecting them out higher, and we're going to back them out. I'd backed them out in my mind tonight for a long time.

Commissioner Mourdock: You backed what out?

Commissioner Mosby: Their numbers.

Commissioner Mourdock: Whose numbers?

Commissioner Mosby: Hafer's.

Commissioner Mourdock: How about backing out United's?

Commissioner Mosby: Okay—

Commissioner Mourdock: United's are higher than Hafer's.

Commissioner Mosby: Well—

Commissioner Mourdock: Isn't that the point? We're trying to get the county the cheapest project.

Commissioner Mosby: No, we are trying to get them the cheapest project, but I'm trying to figure out who's being fair.

Commissioner Mourdock: Well, how do you know that United's more fair than Hafer?

Commissioner Mosby: I don't.

President Fanello: Let's—

Commissioner Mosby: I don't know that they are, but what I'm saying is that when one tells me electric costs \$400,000, and the other one \$200,000, when one says trash is \$60,000 and one says it's \$20,000, you know, I've got to believe whatever 300 people are in that jail, they are going to create the same amount of trash. Whether this guy builds it or that guy builds it. BFI is going to charge us to haul it away. I don't know who's number is right. Everybody is assuming. Architecture Plus is going to assume. That's my purpose here. I mean, they are going to assume, and they are going to come in with numbers, maybe a little bit less. You know, I don't know.

Commissioner Mourdock: That's true, and, again, that's Pandora's Box. You're right—

Commissioner Mosby: You know, J.T. Kinkle was assuming.

Commissioner Mourdock: —when you start...when these numbers are public, you are absolutely right. Everybody that comes in the door is going to get cheaper and cheaper. I don't disagree with that, but, again, I think in many ways that helps the process. I'm less concerned, as I said, about the trash disposal, as I am the bigger cost, which are the energy costs and the operating costs. Which I find that particularly significant in, and I'm talking simply in the operating costs meaning the number of manpower they were deploying. I mean, that is a big number. We've talked about we don't want the operating costs to get carried away in this, and I think those kind of things will drive the process further.

Commissioner Mosby: I just, I mean, I'm really not in favor of hearing him. I guess, something that you said earlier last year sticks in my mind, and I'm thinking this more and more as we go through the process here that we're getting into innovative, I

guess, ideas and new ideas, and you made that comment that we don't want to be a guinea pig, and I agree with you more and more.

Commissioner Mourdock: Well—

Commissioner Mosby: I almost like going—

Commissioner Mourdock: I don't think there is anything that's been presented here that would make us a guinea pig, but—

Commissioner Mosby: Well, I don't see—

Commissioner Mourdock: —my comment of being a guinea pig was being the first jail that somebody had built.

Commissioner Mosby: Well, and I don't see any of these operations going on around the state as I asked, you know, different people. You know, where do you know that somebody built a private jail and leased it back to the county, but the county is operating it? They are like, I can't find one. I mean, I really don't know.

So, I mean, if you can find one, I am more than glad to look at it, but I'm beginning to think more and more we are going to be the guinea pig here, and I'm not really into that. I totally agree when you said that.

Commissioner Mourdock: There's a difference between being a guinea pig and being on the cutting edge of something. Being a guinea pig is, you know, if somebody wanted to come up with something other than a direct supervision or podular. If they wanted to come up with an x,y,z jail that nobody has ever run, and we have no idea what the operating costs would be. That would be the guinea pig. I see this, I mean, all these guys are talking about a pretty basic set of concrete with steel bars. If we can find some way to cut the finance costs of that, or the total financial costs down, then more power to us. Catherine, do you want to get in a quick word?

Commissioner Mosby: Before I make a motion to adjourn.

President Fanello: I was just going to say, you know, we would be the first person to do...there are no other projects like that across the state, where somebody has come in and privately built something and then walked away. There are other states across the country that do have specific statutes that allow them to do those kind of projects, Massachusetts is one of them. I think, if I remember my reading correctly, there are 11 to 14 states that allow that type of situation, but Indiana is not one of them. So, we would be setting a precedent. You know, it's unfair to say that, you know, they've come in and offered us lower numbers whenever they've already seen a set of numbers. It's just they've come in and undercut some of the things.

Commissioner Mourdock: But wait a minute, they haven't undercut anything. What they've done, they have undercut projections. I mean, we don't have a contract with United for whatever their energy costs are, for whatever their trash pickup cost is. We don't have a contract with them. We simply have their estimate of what the numbers are. My point is, by driving this out here, by keeping this public, whether this thing is bid the way it's currently envisioned, which is to say it's a public bid and somebody is going to bid based on the specs put together by that architect. Or it, and I realize it's unlikely, but if we went with the design and build type situation, putting those numbers out publicly, you have some leverage to start working people

against each other. Again, we are trying to save money. I think all three of us agree on that. We are going to try and get the best project we can for the lowest cost.

President Fanello: Exactly. None of us want to spend any more money than we have to. That's a definite. Would somebody like to make a motion on?

Commissioner Mosby: Building a jail?

President Fanello: No.

Commissioner Mosby: (Inaudible. Talking over each other.)

President Fanello: I think we all are in agreement on that one.

Commissioner Mourdock: What's the name of the company?

President Fanello: Architecture Plus.

Commissioner Mourdock: I would move that we direct the President of the Commission to send a letter to Architecture Plus saying that we are not accepting further proposals regarding this jail, at this time.

Commissioner Mosby: Second.

President Fanello: And, yes, I third that. I'll agree with you on that.

Commissioner Mourdock: (Inaudible.)

President Fanello: No, I thought you were going to say it a different way, but you surprised me. I will send a letter out tomorrow. Is there—

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered.

The meeting was adjourned at 7:20 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Knight Assessor	Treasurer	Health Department
Sheriff Department	Prosecutor	County Council
PTABOA	Area Plan	Coroner

**Travel Requests:**

County Engineer	County Assessor	Treasurer
Health Department		

**Request for Service:** Surveyor

**County Highway:** State Board of Accounts Year End Report

**Auditor:**

Pass through Aids Prevention Fund Grant Agreement for Health Dept.  
Submit Financial, Cash and Expenditure Reports  
Declaration of Surplus Computer Equipment.  
Submit Accounts Payable Vouchers.

**Commissioners:** SW IN Mental Health Center- EAP Contract

**Sheriff:** Weekly Jail Information and Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Christine Martin	Roger Lehman
Steve Bohleber	Ken English	Ed Hafer
Alan Braun	Tom Hickey	Brad Ellsworth
J.T. Kinkle	Phil Lawrence	Carl Heldt
Scott Bowers	John Stoll	Ralph Kissinger
Steve Craig	Les Shively	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
February 25, 2002**

The Vanderburgh County Board of Commissioners met in session this 25<sup>th</sup> day of February, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioners meeting, February 25<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right would be Tammy McKinney, Superintendent; Phil Hayes, County Attorney; Commissioner Mosby; myself, Commissioner Fanello; to my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Approval of minutes from February 11<sup>th</sup>.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Permission to Advertise VC12-2002:  
Burdette Park Master Plan**

Linda Nalley: Hi, my name is Linda Nalley. I'm representing Phil Lawrence. I would like to ask permission to advertise VC12-2002: Burdette Park Master Plan. Advertising dates would be March 1<sup>st</sup> and March 8<sup>th</sup>, and opening the bid April 1<sup>st</sup>.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Open Bids for VC2002-014: GVC Tandem Axle Dump Truck &  
Open Bids for VC15-2002: Burdette Park Concessions**

Linda Nalley: He also has to open bids for a truck for County Highway, and opening bids for concessions for Burdette Park today. So, and Phil has those. Phil Hayes has those.

President Fanello: And I believe we have RFP's, oh, that's for John Stoll, never mind.

Linda Nalley: That's all I have.

Commissioner Mourdock: Are you saying, Linda, that Phil has the bids that need to be opened?

Linda Nalley: Yes. Yes.

Commissioner Mourdock: I'll move that the County Attorney be directed to open bids.

Commissioner Mosby: I'll second.

President Fanello: So ordered.

Linda Nalley: That's all I have.

President Fanello: Thank you.

<p style="text-align: center;"><b>First Reading and Public Hearing of Ordinance to Establish Old Courthouse Advisory Board</b></p>
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President Fanello: Phil Hayes, first reading and public hearing on ordinance to establish Old Courthouse Advisory Board.

Philip Hayes: Does everyone have a copy, or has seen the copy of the ordinance? Are there any questions in regard to it?

Commissioner Mourdock: Are there revisions, Phil, between the one that's on our desk now and what was in the packet?

President Fanello: No.

Commissioner Mourdock: (Inaudible. Mike not on.)

President Fanello: It should be the same.

Philip Hayes: Here, David. Let me see if, take a look and see (Inaudible) and see if there's a copy there. It would look like this. Go ahead with (Inaudible). I'm sorry. This one.

Commissioner Mosby: I don't have a problem with it.

President Fanello: Okay. I need for you to make a motion to—

Commissioner Mosby: I'll make a motion to accept the Old Courthouse Ordinance as written.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Philip Hayes: Here you go. That's okay.

**Decision on Private Jail Proposals:  
21<sup>st</sup> Century Corrections Corp & J.T. Kinkle**

President Fanello: Okay, next item is Ed Hafer, and I'm not sure if you wanted to speak, or—

Ed Hafer: (Inaudible. Not at mike.)

President Fanello: You just wanted to hear our discussion?

Ed Hafer: Yeah, we're just here, and we'd be happy to answer any questions.

President Fanello: Okay, alright, and I believe the same goes for J.T.?

J.T. Kinkle: No. (Inaudible. Not at mike.)

President Fanello: No, he actually...go ahead.

J.T. Kinkle: Well, I had to...I didn't know that I was going to be on the agenda, so I had to assume that you put me on to answer some questions.

President Fanello: I didn't request that you be on there. I assumed...my request was that the Commissioners talk about the private jail proposal.

J.T. Kinkle: Okay, well, I went ahead and I tried to anticipate what some of your questions might be. So, the first question was probably going to be, what are the advantages to your proposal? I came up with five big advantages. The first is that the work can begin immediately, because the land is there and it's available. Secondly, the concept is expandable. Thirdly, there is more than 40,000 square feet of space in our proposal, which has yet to be programmed. This is in addition to the 50,000 square feet in the existing jail. Having all this square footage gives a lot of opportunity for the Sheriff to implement the needed space for the programs that our community requires for corrections. Fourthly, it gives the added security of no more than six inmates to a day area, which is constantly supervised. Not 100 plus inmates to two unarmed corrections officers. Fifthly, it saves 50 plus million dollars, or two plus million dollars each year. The second big question I thought you might ask, is please explain the modularity that you've discussed at previous meetings. The cell blocks within each floor are designed to house either six or one inmate. The six inmate cells have their own day area. The single inmate cells share a day area with six or three inmates. Now these cell units and their day room are divided from other cell units on that floor, both by sight and sound. Well, what does this mean? It permits the floors to safely and securely manage different inmate populations while optimizing the correction staff requirements. In other words, you won't need a pod for each classification of inmate. Those special management inmates come straight out of the adult local detention facilities latest edition as being female and male inmates, witnesses and civil inmates, community custody inmates, work release, work hindered, trustee type inmates, inmates with special problems; alcoholics, narcotics addicts, mentally disturbed persons, physically handicapped persons, and persons with communicable diseases. Also inmates requiring disciplinary detention, and inmates requiring administrative segregation. So, what I'm saying is, with our proposal, you don't have to put all these classifications in the same large pod room.

The third big question that I thought you would ask, what do you see for the existing jail? That's a great question. If you leave that space empty, the county will be without more than \$800,000 in rent each year. If you change it's use, it will, in my opinion, cost around \$6 million to acceptably renovate that. Therefore, I think this space should be used by the Sheriff as he sees fit for the programs needed by our community for corrections. The fourth big question, are you confident in the savings you've presented, showing \$2 million saved each year, which your proposal, or in excess of \$50 million over the 25 year bond term. My answer to that is yes. So, at this time, I would like to go ahead with any questions that I did not anticipate.

President Fanello: Does anyone have any questions for Mr. Kinkle? Okay. Then either one of you want to start discussion about...I've had a couple of weeks to look over the information, so.

Commissioner Mourdock: (Inaudible. Mike not on.)

Commissioner Mosby: Go ahead.

President Fanello: Okay. I...really starting with 21<sup>st</sup> Century's proposal, trying to make this as brief as possible. A couple of things that I observed were that the construction period for United and DLZ was incorrect. 21<sup>st</sup> Century had stated that the construction period, according to United would be 30 months, and I believe it would be 24 months. Really, a lot of that depends on our site selection also. Going through, I noticed that the biggest difference in the Furniture, Fixture and Equipment, the Estimated Construction Costs, and, obviously, the Operating Costs. Furniture, Fixture and Equipment seemed to be reduced in every scenario, between 34% to 37%, which I'm not exactly sure why. Construction Costs seemed comparable in every scenario. Nobody will know what this project costs until the day the bids are opened. So, these are all estimates. As far as the Operating Costs, I did not entirely understand the significant differences in some of the areas, such as; Operating Supplies, Trash Removal and Utilities, and I noticed that those also were reduced by about the same percentages in each scenario. I'm not sure if there was some reason that that was the case. Overall, my personal opinion is that I would like to proceed with public financing. I do not see enough here to warrant us pursuing a private proposal, and also there are problems with the legalities of it, according to our Bond Counsel Attorney, Tom Pittman, and also according to Mike Claytor of Crowe Chizek, who seem to think that this is not the situation that falls within the state statute. So, that's my comments.

Commissioner Mosby: I basically pointed out some of them last week, and I really haven't changed my mind any since, or the week before when we originally had this in front of us. I did notice the Furnishings, and things like that, were completely, not deleted out, but they were taken down quite a bit, and I pointed out the Utilities, the Supplies, some of the other stuff last time, which, I mean, we'll get the same price regardless of how we build the building. If the...and I do believe, maybe, our numbers are a little bit high, but I would rather be a little bit high than find out we are exceptionally low, and have to come back and budget more money. I still feel comfortable with the way we are heading, in what direction we are heading in, and I will stick with the public.

Commissioner Mourdock: Well, I'm a guy who always likes to keep every option open, especially, when we are talking about things that could result in a savings, and I'll be conservative here, over the life of the bond, of, being very conservative, I think, \$25 million. I think we have to take every opportunity we can to try to find ways to

save, and I would like to see us in some way continue to explore this. The question of the legality, and I understand, you know, you've got one attorney who says one thing, and there, certainly, can be other attorneys who say the other. I would like to proceed to try and get a ruling from the State Attorney General, which we would have to work through one of our State Legislators to make that happen, but just to see if, in fact, this is still legally possible. If it isn't possible, if the Attorney General comes back and says, well, that's just clearly beyond the realm of the statute, then it's "fate eau complete", but I'm not at all convinced that's the case since there are so many other mechanisms that are out there, the Safe House itself being one. Granted we didn't contract to have that building built, but essentially we're using it for a correctional purpose, and it's on a lease basis. It seems to me we are kind of nitpicking to try and say the statute won't allow this, and infer that the statute requires the build, lease and operation side. I think before we discount this out of hand, a simple letter to a state legislator, or two to get them to work through the Attorney General would be well worth our while.

President Fanello: Just going back to your comment on what you think is a conservative estimate on savings. As I look at these numbers, I do not see that savings coming from Construction Costs. I see it coming from Soft Costs and Construction Period Interest, which they have used the wrong construction period, or number of months under United's scenario. So, those numbers would be different. So, I don't see a big difference in the construction, which, like I said, you're only going to know what this project costs the day we open the bids. I believe that, you know, the State of Indiana has set it's purchasing laws up where we have a very competitive bidding situation, and according to Tom Pittman, because there is not an operating component to this proposal, it does not fall within the state statute requirements. I'm not an attorney, but I've read the material, and I do agree with that. That's my personal feelings. I don't think we need to waste any more time. I think we need to move forward. The Council is going to come to their meeting on Wednesday, and, hopefully, I believe they are all coming together and will pass a resolution on Wednesday, and we need to get this jail built. I don't see enough here for us to postpone and waste any more time.

Commissioner Mourdock: I don't wish to waste time either. I've been working on this project for a long time, but, again, what you see as Soft Costs, it is conceivable, based on a different design, that there are different Soft Costs. So, I don't think, and I'm not an expert in jail construction. I'm not an attorney. I know neither of you would claim expertise in either of those areas either, but when people come forward as experts, and let's face it, Jacobs, who is involved with one of these programs has built a lot more jails than probably anybody else who came before us during the proposal phase, if they are telling us that, quote, the Soft Costs, the Operating Costs are what they are, I'm kind of feeling a little weak in the knees to say we know more than they do.

President Fanello: I'm not saying I know more than they do, but just looking at the numbers...I went through and calculated the percentage differences of each of the Operating Costs, and it seemed to be the same percentage difference in each scenario, and it seems...I'm a CPA, so to me that follows a little bit of an illogical sequence. There would have to be some reason that it could be cut by 74% in each scenario. So, I personally don't think that they are valid operating numbers. Our operating numbers, as Commissioner Mosby said, are a little bit high, because I would rather us estimate high and be prepared for them to come in lower. That's just my thought, and I don't really wish to dwell on the same issues over and over.

Commissioner Mourdock: I don't either. I'll agree with what you said about the Construction Costs. We won't know what they are until it's either bid, or until we sign on the dotted line. On the Operating Costs, we won't know at all what they are until someday that jail is being operated.

President Fanello: Did you have anything else to add?

Les Shively: Madam President, members of the Board of Commissioners. Last meeting, the legalities of the private arrangement were questioned. Essentially, as I understood, the concern, or the objection was the fact that you have to build, design and operate to fall within the statute. I contacted Sue Beesley of Bingham McHale following the meeting, and I've given you a copy of the letter I sent to my client, Mr. English, which makes it clear, it sites the relative importance of the statute, that makes it very clear that you don't have to manage it as well to come underneath the statute for a public-private arrangement. This is also consistent with the 1998 publication on BOT agreements put out by Ice Miller Danadio and Ryan, which I believe I gave to you at the meeting when we first had this discussion, or renewed this discussion of public-private proposals on January 28<sup>th</sup>. We have given you everything that we have, in fact, the reason that we chose the firm that I counseled with, was the fact that Barnes Thornberg had previously been a bond counsel with the beginning stages of this project, prior to the new administration, and the new administration engaged the services of Baker and Daniels. I wanted to get an opinion from a firm that, basically, had no dog in this fight, so to speak, that could give an objective perspective. That's what we've done. Regarding Commissioner Mourdock's suggestion on the Attorney General's opinion, we requested that through Representative Becker approximately two and a half weeks ago. There are several requests this time of year, and I've been told it's on an expedited schedule, and we asked for that on our own to supplement what we've already given you. You know, just let me say this, certainly I am here as an advocate for my client, but a decision this important that has long term financial implications for the county, we would not want to advise this board on behalf of the county to embark upon uncharted legal waters, but these waters are charted. There has been a comment made over and over again that there is an Attorney General opinion that says you can't do this. There are no Attorney General opinions that exist at all on this particular statute. That's why we requested it. I think it would be well for Vanderburgh County to allow that process to complete itself, which we expect right now, according to Representative Becker, should be any day now. We've given you everything we have in writing. I still haven't seen anything coming from the other side that shows we can't. So, anyway, we are trying to give you all the information we have. We think it's legal as the day is long. We think it's a very positive thing. I can't speak to the cost comparisons or differences you note, President Fanello. I guess you would have to ask Mr. Hafer or Mr. Braun on that.

President Fanello: I appreciate your comments on the legalities of it. You are a very well respected attorney, but I do not wish to get into a legal debate in this forum. That's why we have courts of laws. We have attorneys who disagree everyday on things, but I have to go with the opinion of the people that this county has contracted to employ. If we don't trust them, then we should never have contracted with them. So, that is the opinion that I am going by, and I will stick to that opinion. I have two opinions, one by Mr. Pittman at Baker and Daniels, and one by Mr. Claytor at Crowe Chizek, who is a CPA and a lawyer. Those are the opinions that I am going to adhere to.

Alan Braun: I'm Alan Braun, Industrial Contractors. I would just like to say that the Soft Costs that were used, which include the Financing Costs, since you're a CPA, was from Crowe Chizek, your CPA. That was the amounts that were used. It had nothing to do...Crowe Chizek gave us the figures we used. We used your figures.

President Fanello: But your Soft Costs are lower than our Soft Costs.

Alan Braun: That's because we are going to build it in 20 months.

President Fanello: Uh-huh, but you were—

Alan Braun: Your Soft Costs are what we took out of your program you gave us.

President Fanello: You were assuming that it's taking 30 months.

Alan Braun: It doesn't matter how many months it takes. Your Financing Costs was in your, was in your Crowe Chizek proposal, and that's the amount we used. The amount that we used, the dollars was out of your report.

President Fanello: I don't—

Alan Braun: It's that simple.

President Fanello: I'm not following what you're saying.

Alan Braun: The \$4,836,000—

Commissioner Mourdock: (Inaudible. Talking over each other.)

President Fanello: Uh-huh.

Alan Braun: —for Soft Costs came out of your report.

President Fanello: No, I'm not disagreeing with that.

Commissioner Mourdock: But what he's—

Alan Braun: That's where the financing, financing is part of that.

Commissioner Mourdock: Yeah, you're effectively financing it over a shorter period because of the faster construction costs.

Alan Braun: It doesn't matter how long, I mean, the dollars are what counts. Under your sources and uses, if you look at, I mean, you take your money, you know, you're using it, and we're using your dollars. That's what we're comparing it to. We got a higher rate, you know, that we're using, but it's your dollars we're using.

President Fanello: I'm looking at the Annual Lease Payment, and the biggest difference in the Annual Lease Payment is only \$310,830.

Alan Braun: I'm just, I'm not, all I'm saying is we used your dollars, you know, the dollars we used for Operating Costs, you didn't tell us to look at your dollars, you told us to tell us how much it would cost. If you think your dollars are high, that's one thing, but we think ours are right. Thank you.

President Fanello: Anyone have any questions?

J.T. Kinkle: J.T. Kinkle. I think I need to just stand here for a moment and take exception to the rationale that our Soft Costs are so very different. When, the numbers you've presented were \$4,645,000 by Crowe Chizek. My numbers were higher than that at \$4 million—

President Fanello: I wasn't referring to your numbers in my discussion,

J.T. Kinkle: Well, I had to assume that your rationale for throwing me out was the same as everyone else's.

President Fanello: No, I don't think I made that statement.

J.T. Kinkle: Well, then there must be a reason that you are throwing mine out. Because my Soft Costs are only \$16,000 different, and they're to my disadvantage by \$16,000.

President Fanello: Your proposing a specific design in a specific part of this, and I personally don't agree with it. That's my opinion. I don't know what the other two opinions are, but I just personally don't agree with it.

J.T. Kinkle: \$52 million pays for a lot of opinions. Thank you.

President Fanello: Okay is there any further discussion?

Commissioner Mosby: I would make a motion at this time that we proceed with the public proposal, and depending on what the Council does on Wednesday, that we proceed with the jail project.

Commissioner Mourdock: Respectfully, David, I don't know that that is necessarily the right motion. I'll give you another shot at it, if you like, because I don't think the question is do we go forward with the jail project, which is effectively what you're saying, at least I think what you're saying. I think all of us agree that we want to go forward with the jail project, the question is, do we still consider anyway of looking at this other than simply a public bonding process? So, I don't want to restate your motion for you, but—

Commissioner Mosby: No, no, then I'm just saying let's go with the public bonding, and that I am going to go with the proposal that I got from United/DLZ.

Commissioner Mourdock: That was the motion? I'll pass on that motion.

President Fanello: I want to say thank you to those who did present the information to us. I do appreciate you coming forward and putting input into the process. I just don't believe there is enough here for me to change my mind on the public financing, and the competitive bidding process that we will be able to go through. So, I will second that motion.

Commissioner Mourdock: I will also add the comment that I appreciate J.T. and Mr. Hafer and Mr. Braun, Jacobs, everybody for coming back and trying to give us another alternative here. I think sometimes those of us on the government side of the table look too quickly past the unconventional to do what we've always done before. I think this is one chance when we may have missed an opportunity to save

several millions of dollars by trying to be a little bit more creative. So, I wish we would have taken that route.

President Fanello: I still think we will save several million dollars. You have to remember, United is not building this jail, United is designing this jail, and this jail will be built on the public bidding market. So, that's my final comment on that. Okay.

Tammy McKinney: (Inaudible. Mike not on.)

<p style="text-align: center;"><b>Revisit the Opening of Bids for VC2002-014: GVC Tandem Axle Dump Truck</b></p>
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President Fanello: Phil Hayes, open RFP's for Bridge Inspection Services.

Philip Hayes: (Inaudible. Mike not on.) You do have the (Inaudible. Mike not on.)

President Fanello: Did you want to go ahead and read those into the record?

Commissioner Mosby: (Inaudible. Mike not on.) don't have them all.

Philip Hayes: (Inaudible. Mike not on.) The rest of them are (Inaudible. Mike not on.) qualifications, RFQ's.

Commissioner Mosby: (Inaudible. Mike not on.)

Philip Hayes: (Inaudible. Mike not on.)

President Fanello: Is there not a cost, no price involved? Okay.

Philip Hayes: (Inaudible. Mike not on.)

President Fanello: Okay.

Philip Hayes: (Inaudible. Mike not on.) Do that, and then if you would like to—

President Fanello: Okay.

Philip Hayes: Okay, and these are the one's that were not on the agenda?

Tammy McKinney: Right.

Philip Hayes: They are not printed? There are three parties who have submitted bids on the described vehicles for County Highway. I'll read in to the record the first one, and they are also bid in alternatives here. The first is from Ruxer Ford Lincoln Mercury Incorporated, in the amount of \$69,111 each. As per the detail of the bid documents, which we recommend be inspected then by Purchasing. The second is a submission from, specifically, Freightliner of Evansville Incorporated, and there are alternative pricings submitted. I'll read each one, the first \$73,046.32, and the second \$73,938.07. Now, there is also, as per detail in the bid response that would require inspection. The third and final bid received was from Sternberg Truck Sales. Total price per unit \$77,099. There are optional items which are also quoted and it will need to be determined whether those are part of the bid or not. It's not

determinable here. I believe that is all the submissions, is that correct? That concludes the three on the truck.

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

Commissioner Mosby: Second.

President Fanello: So ordered.

**Revisit Opening of RFP's for VC15-2002:  
Burdette Park Concessions**

Philip Hayes: With regard to Burdette Park Concessions, there was one submission, in duplicate, by Stan Hahn of Evansville, Indiana, labeled RFP for Burdette Park Concessions. That was received today, and that was the only one, is that correct? Alright.

Commissioner Mosby: I will make a motion to take under advisement, and send it to the Burdette Park Board.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Revisit Opening of RFQ's for Bridge Inspection Services**

Philip Hayes: Then with regard to the RFQ for Bridge Inspection Services, which is set forth on the agenda tonight, I'll simply read the source of the submission into the record, and all of those have been submitted in what appears to be multiple copies. There is one from American Consulting Incorporated, Architects, Consultants and Engineers, you might want to slip that back inside. A second from R.W. Armstrong and Associates of Indianapolis, Indiana. The third submission is from Sieco, or S-i-e-c-o, Incorporated of Columbus, Indiana. The third from Butler, Fairman and Seufert of Indianapolis. USI Consultants, Incorporated of Indianapolis, Indiana. Clark Dietz Incorporated of Evansville. Bernardin Lochmueller and Associates of Evansville. The Schneider Corporation of Indianapolis, Indiana. Floyd E. Burroughs and Associates, Incorporated of Indianapolis. United Consulting Engineers and Architects, Indianapolis, and Beam, Longest and Neff LLC of Indianapolis. That concludes the reading into the record of those responding on the RFP's for Bridge Inspection Services.

Commissioner Mosby: Motion to take under, RFP's under advisement for Bridge Inspection.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Madelyn Grayson: May we change the tape please?

President Fanello: Yes.

**(Tape Changed)**

**Jail Project Site Selection**

President Fanello: Next item up for discussion is site selection, and I think each of you have a letter from United on the two sites that we directed them to look at, the pros and cons of the back 40 and the Judges parking lot. I don't know if everyone has had time to read that to comment.

Commissioner Mourdock: Excuse me, since it was lying on the desk when we got here, I have not had a chance to read it.

President Fanello: Okay.

Commissioner Mourdock: Have you read it? Do you want to summarize it for us, Catherine?

President Fanello: I just got it this afternoon myself. I'll just briefly read what the pros and cons are of each site. Back 40 parking lot, which is the northeast parking lot for the Civic Center, 13.228 acres:

Pros: Site is large enough. Located adjacent to the Civic Center. County owns the property. Site is level. All public utilities are contiguous to the site. Cons: Need to replace 559 surface parking spaces.

Which, obviously, would mean a parking garage. Comments real briefly, scenario #1, which is the 484 bed jail that we're, the \$35 million scenario is 124,481 square feet, placed on this site will displace approximately 384 existing parking spaces for building construction. In addition, parking needs for this scenario could take up to 175 parking spaces for staff and visitor needs. So, therefore, a parking garage of up to 560 spaces is needed to replace existing spaces lost in the jail development. The adult jail design should fit in with the surrounding building elevations, thus requiring a little more aesthetic on the exterior, and a little less finish on the interior to keep costs within our proposed budget. This may be accomplished by bidding alternates and accepting alternates that keep the project costs under budget. The Judges parking lot, which is 1.280 acres.

Pros: Located adjacent to the Civic Center. County owns the property. Site is level. All public utilities are contiguous to the site. Cons: constricted site requires a multi-story design. Need to replace 65 surface parking spaces. Future expansion is limited by size and access. Constrictive site requires a multi-story design of eight or more stories.

That would be the biggest con. So, those, that is kind of a brief summary. Obviously, up for discussion. I don't know, has everyone had an opportunity, and, Richard, you were here when this was done, I was not, but the parking study that was done for the Building Authority—

Commissioner Mourdock: You mean the one that was done—

President Fanello: —by Ed Hafer.

Commissioner Mourdock: —years ago?

President Fanello: It was done in 2000.

Commissioner Mourdock: Yeah, okay.

President Fanello: I didn't know if you'd had a chance to ever review that. It kind of goes through and talks about some possible spaces for a parking garage, and what the cost might be.

Commissioner Mourdock: It still comes back to me, as I've said before, on the parking, no matter what we do, we have to build a parking garage. I think that's a done deal. Maybe it's the parking garage that, you know, looking at this, at first glance, and I'm not sure I agree with everything in it. At least, I would need more explanation, but it would seem to me that both of the sites here would be used under either one of these plans. If you were to put this jail in the courts parking lot, then you are going to end up putting a parking garage on the back 40. If you put the jail on the back 40, you are going to end up putting a parking garage in the Judges parking lot.

President Fanello: Not necessarily.

Commissioner Mourdock: Well, you're going to have to come up—

President Fanello: I think Ed Hafer had a very good site in his study that he did which was the parking lot located across the street in the Martin Luther King parking lot. I read through his parking study. It was a very good study, very well done, and that would be one of my—

Commissioner Mosby: That would be my choice is to put it where the SWIRCA building used to be. Over across...to me, if you do that, and I don't know if anybody listened to the *Shively Shoulders Show* the other night, but they were talking about parking...there you go, Les. I was watching.

President Fanello: I watched it.

Commissioner Mosby: They were talking about parking a lot, and parking that would focus on Main Street and give some parking to Main Street. I believe if you look at this parking lot over here, you can serve the Centre, you can serve the Victory, the Signature School, the Civic Center and Main Street. It's right there located to where, I believe, personally, even if we weren't building a jail, it would be a good spot for a parking garage. I've seen the parking study on parking garages downtown from DMD, which they had put together recently when they went out for bids on privatizing the parking garages, and it shows where they are relatively, some of them garages are, I think, 94% full. So, it's not that we have a lot of parking in parking garages, and it's not that it would be a wasted deal.

Commissioner Mourdock: If they are 94% full now, they were undersized.

Commissioner Mosby: Well, and I think, I think even the newest one they built back when I was on the Council is probably 80% to 85% full, and they are letting the City Police Department use, I think, 46 spaces in there too.

Commissioner Mourdock: Coming back to this with the sites, I guess the questions I have, and , you know, having, again, just found this on the desk when I came in tonight, I'm not sure that I would understand why, if it is on the Judges parking lot,

why it would need to be an eight story building. There are a lot of jails that are of 450 beds, our target number being 484, that aren't eight stories tall. I don't understand that at all. I would need some explanation there. The other thing, it seems to me that the con they place on the one side, which is it would not be conducive to future growth, it seems to me, again, you have that on both sites. Because even with this larger site, the back 40, which is really only 13 acres, if they are going to do what I keep hearing is a campus complex, they are going to run out of space fairly quickly there as well.

President Fanello: What are you meaning as a campus complex?

Commissioner Mourdock: Well, a one story type facility.

President Fanello: I mean, with 13–

Commissioner Mourdock: That's the way I read this, the way they looked at it for the back 40, I don't see it worded differently, so I presume that's just one story.

President Fanello: That is a question that I would need to ask, but with 13.228 acres, I mean, I believe compared to 1.28 acres, is probably where they are getting the multi-story design. I mean, we can surely go back and ask them the question–

Commissioner Mourdock: Sure.

President Fanello: –but that would be my assessment.

Commissioner Mourdock: I know up in La Porte County right now they're building a jail that is, not that it's a perfect match, but it is more similar to our Courts parking lot than it is a back 40. There are a lot of questions there about it, but in size, my recollection is, that it's about the same number of beds, and yet isn't anything close to eight stories. In fact, it's probably a little bit smaller, the footprint of the building than what we would have the potential for here. So, there is some questions. Now that I think of it, I think that's a DLZ project also. Is anybody here tonight from DLZ or United? I don't see anybody.

Unidentified: (Inaudible. Not at mike.)

Commissioner Mourdock: He wouldn't probably know.

Commissioner Mosby: I'll make a motion that we take it under advisement until next week, and then, hopefully, by then the Council's had their meeting, and maybe the Resolution will be passed, we'll be heading forward, and we can get our questions answered over the week if we want to get a hold of United or DLZ.

Commissioner Mourdock: Second.

President Fanello: So ordered. So, I will encourage everyone to get their questions answered over the next week, and we'll move forward. We'll put it back on the agenda for Monday.

President Fanello: Next item is Travel Ordinance, and I have included in your packets some proposed changes to the ordinance. Not asking for any action, at this point, until next week. I'll give you time to review them. So, I'll put it back on the agenda for next week.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board?

Red Mosby: I'm Red Mosby, Perry Township Trustee. I come up here tonight to thank you all for the fire hydrant out in front of Corpus Christi school. The principal called me and said to tell you all thank you, she appreciated it very much. The volunteer fire department appreciates it too. Thank you. After 12 years, they got it.

President Fanello: You're welcome. You're very welcome. Is there any other group or individual wishing to address the board?

Dan Ritz: (Inaudible. Not at mike.) I'm brand new at this, so (Inaudible) My name is Dan Ritz. I've talked with you, Mr. Mosby, (Inaudible) about—

(Someone removed microphone from podium to hand to Mr. Ritz)

President Fanello: Go ahead, tear up our material.

Dan Ritz: Thank you. About Country Lake Estates, excuse me. There was a hearing that you all had a few months ago about weed control. I had talked with you, Mr. Mosby, about, I am a land owner there, I haven't built a house yet, I intend to. Some of the residents there have been complaining about weeds, and causing rodents and like that. This is a...when I went out to the property and saw it, I fell in love with it, for one thing because of the wooded area. There's some beautiful, natural wooded area there. There's an eight acre lake. That wooded area and the lake encouraged wild life there. I don't mean to make you all jealous, but it's really nice, and there are, ducks and geese come there. I would like to, if you all would in the ordinance, I have a copy of the ordinance here, I didn't think ahead to make copies for you all, but I would like for you all to consider re-writing the ordinance, or adding to it something distinguishing between woods and weeds so that the wooded areas are not destroyed for the sake of whatever.

Commissioner Mosby: I've had this conversation with Mr. Ritz a couple of times, and I totally agree with what he is saying. There is a big difference between weeds and weed control and a woods. From what Mr. Ritz is telling me, and I've not had time to talk to Roger Lehman, I was going to talk to Roger about it since he handles weed control, but, I mean, we have parcels of woods all throughout the city and county, and I don't, I understand what he is saying, and I don't believe that to be weeds where we would demand that everybody go down and cut down the woods, you know, around or behind their house. I'm thinking, maybe, this might have been a mistake. I don't know, maybe, Roger needs to be able to determine the difference between a wooded area and overgrown weeds. I think this is what we are facing.

Commissioner Mourdock: I recall another case that came before us. I don't remember which specific property it was, I don't believe it was the area that you are

referring to, Mr. Ritz, but where not too long ago we were, basically, ordering that the county ordinance be followed to the letter, and it did go in with a bush hog and cleared out a bunch of stuff, which is, again, was more than what I think of as weeds, but I'm not familiar enough with the language of the specific ordinance to see if it describes plants by type. It may be that if we need to revise it in some way, that would be the easiest way to do it, without having to turn the guy on the Building Commission into a botanist or something, but at least let him know enough of what plants are weeds and what is not.

Dan Ritz: Well, I have, if I may?

Commissioner Mourdock: Sure. Go right ahead.

Dan Ritz: The ordinance here does not say anything about...it starts out, the ordinance before it, the section immediately before it talks about abandoned refrigerators. Then it follows up with section, the next section, which is weeds and noxious plants. Which implies to me, as you told me before, that this is mainly protection for people who desert their property or neglect it. This is not a situation of desertion or neglect. It needs to be...I would like for you all to put in the ordinance, write into the ordinance something having to do with neglect and, I'm sorry, desertion and neglect, as opposed to a naturally wooded area. There are...if you did come down on all the people, on all the land in this county that has natural wooded area and say, let's clear it out, you know, get rid of the weeds, you're going to have a big job on your hands. This is, well, this is just what I'm asking you all to do.

Commissioner Mourdock: In your specific example, Mr. Ritz, at Country Lake Estates, did the county come in and remove a bunch of weeds?

Dan Ritz: They did remove—

Commissioner Mourdock: Got into what you consider to be more than weeds?

Dan Ritz: Well, the developer of the property paid for, I don't know who cleared the weeds, but the developer had to pay for, he told me \$4,000 worth.

Commissioner Mosby: Commissioner, that's the one we had in here last year.

Commissioner Mourdock: Okay.

Commissioner Mosby: And I do remember the situation.

Commissioner Mourdock: Yeah.

Commissioner Mosby: I would ask that we have Tammy contact Roger tomorrow and possibly come up with a determination here between what Mr. Ritz is saying weeds and a wooded area.

Commissioner Mourdock: That's fine. I'm okay with that. I would also suggest, Tammy, maybe we speak with Larry Caplan with the Purdue Extension Service to see if they have some convenient definitions they might want to use. It's clearly not my belief, and I don't think it was ever the intention of that ordinance to get out there and remove saplings that are two and three inches around, but it's going to be tough to write something that is specific to the task here.

Dan Ritz: I just–

Commissioner Mourdock: (Inaudible) take a look at.

Dan Ritz: –suggest maybe putting in the wording, you know, a distinction between neglect or desertion versus natural woods. That's just my suggestion. There was a complaint, the complaint of the neighbors have been it promoted racoons and muskrats and some other animal, and if–

Commissioner Mourdock: Was that a good thing, or a bad thing?

Dan Ritz: Well, to me, I have a...I noticed some people who live in a well developed area of town that found racoons coming up to their, coming up to the door of their house, and, you know, in my opinion, I think it's good, but I...and it's kind of pandemic if you want to call it a problem.

Commissioner Mourdock: Thank you for bringing it to our attention, and we'll, Tammy, if you would, see what we can do.

President Fanello: Thank you.

Dan Ritz: Thank you.

Tammy McKinney: What is your address? What is the address that I need to look at?

Dan Ritz: 1216–

Philip Hayes: (Inaudible. Mike not on.)

Dan Ritz: Oh, the address you are looking at?

Commissioner Mosby: No.

Tammy McKinney: Right.

Dan Ritz: The area?

Tammy McKinney: Okay, I'll get–

Philip Hayes: (Inaudible. Mike not on.)

Dan Ritz: My mailing address?

Tammy McKinney: That's fine.

Dan Ritz: Oh, okay. Thank you.

Unidentified: I'll try to do this without breaking it. (Repositioned microphone in podium stand.)

President Fanello: Thank you.

Commissioner Mosby: Thank you, Dan.

President Fanello: Is there any other group or individual wishing to address the board? Seeing none. We'll move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First item I've got is a request that we received from INDOT in regard to a project they are going to do out at State Road 65 and Boonville-New Harmony Road. They have a small project to improve the sight distance at that intersection, that they are proposing to have ready for contracts by May of 2003. In reconstructing that project they had asked if they could close that intersection, then use local county roads as the detour. Up in that area, there really aren't any suitable detour routes, that I could see, that could accommodate truck traffic. Most of the roads out there are probably 18' wide at the most, and the intersection radius is typically not adequate to handle a lot of truck traffic. So, although we would like to cooperate with INDOT, on the basis of I don't see a suitable detour route, I would recommend that they not be allowed to detour on county roads, and they provide a temporary run around at their construction site.

Commissioner Mosby: I'll make a motion that we deny the request, and ask them to go, bypass the road, or run around road.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Okay, I'll let them know. The second item I've got is the final change order on the Fulton Avenue Bridge Project. This is for an additional \$113,882.05. This is for additional fill that was placed, and additional maintenance of traffic, realignment of the beams, and the additional costs that were incurred by the contractors for labor increases and material price increases and things like that that they saw between the time that they originally planned to finish construction in late '99 and early 2000, until Summer of last year. The contractor had originally submitted a request for \$253,031.40, but after Bernardin Lochmueller reviewed all of this, they determined that only \$113,000 of that was eligible for being included in this final change order. So, it's recommended that this change order be approved.

Commissioner Mosby: I guess, so you're asking—

John Stoll: Of that 50% is our cost too. 50% will be covered by INDOT.

Commissioner Mourdock: 50% of \$113,000?

John Stoll: Correct.

Commissioner Mosby: So, it's going to cost us \$50,000?

John Stoll: \$57,000.

Commissioner Mosby: You're saying that Bernardin Lochmueller says that we are responsible for that part?

John Stoll: Yes.

Commissioner Mosby: Through the contract?

John Stoll: Right.

Commissioner Mourdock: But the contractor was originally claiming a lot more than that, and Bernardin Lochmueller brought it down to this figure.

John Stoll: Right. Basically, they were able to document things like the labor increases, material price increases, and that's all in this documentation. So, while we don't really want to pay anymore, these are legitimate costs based on what Bernardin's inspectors came up with.

Commissioner Mosby: Make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: In conjunction with that, I need to request to go before County Council to appropriate an additional \$57,000 to the Fulton Avenue Bridge Account to cover our local match on that change order.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I've got an agreement with Clark Dietz Incorporated. This is for sanitary sewer design and water line design for Jobe's Lane. This is an amount, the amount of the agreement is \$26,800. I checked with another consultant, and this price was slightly less than the other consultant gave us, so on that basis, it's requested that this agreement be approved.

Commissioner Mourdock: Where are, excuse me, David. Where are we with the grant requests? That's the one we were sending in to try and get the grant to cover this, correct?

Commissioner Mosby: I have not heard from Todd Trinkle. I did hear from him a week ago, and they were still putting together the packet, excuse me, and the letters that they will need from various individuals to accompany the grant. He did ask me about this part of it, and I told him we were working on getting a consultant on board. The whole packet is not put together yet, and they are waiting to present this to several different groups.

Commissioner Mourdock: Okay, but with that having the consultant, or without having that packet put together, again, John, this is for the actual construction of that water line?

John Stoll: No, this is for the design.

Commissioner Mosby: The design.

Commissioner Mourdock: And the amount was what for the design?

John Stoll: \$26,800.

Commissioner Mosby: This is a cost that they are telling me that we can get back—

Commissioner Mourdock: If we get the grant.

Commissioner Mosby: —if we get the grant. If we don't get the grant, and we have to go through the public, if the homeowners have to go through the public loan part of it, then we can still add this to the cost.

Commissioner Mourdock: By the public loan, you are talking about the Barrett Law?

Commissioner Mosby: Yeah.

Commissioner Mourdock: If we have to go through the Barrett Law, you're being told that this would be included?

Commissioner Mosby: If you went through the Barrett Law, you could include it, and even if you came up with a cost and the individuals got a low...there, evidently, is low interest money that they can, people can borrow to do these type of projects. If they were able to secure that on low interest, we could still add this cost to whatever we secure for that project.

Commissioner Mourdock: Excuse me, in doing some of the other Barrett Law things in the past, John, I seem to recall there was some trip wire, or something that once things...if you started things in advance, you couldn't get reimbursed. Do you recall that? Or am I—

John Stoll: On the Barrett Law projects that we did previously, the consultant fees were rolled back into the overall Barrett Law costs.

Commissioner Mourdock: But were the consultants on board before we had the Barrett Law fully up and running?

John Stoll: Yes.

Commissioner Mourdock: They were? Let me be sure I understood. They were on board before we had everything else approved?

John Stoll: Right.

Commissioner Mourdock: Okay.

John Stoll: If I remember right, the consultant was paid, say in this case, like \$26,800. If he had had any prior payments from the homeowners group, then the consultant just redistributed that money back. We would write a check for \$26,800, which would exceed what he was obligated under the contract, but anything above and beyond that, the homeowners had already been paid, was just reimbursed. The homeowners were reimbursed.

Commissioner Mourdock: Okay. Alright, well, I still have some doubts on the grant side of this, but I recognize that we need to get something done. I'm still hoping we

might do this by Barrett Law actually. So, I think you were starting to make a motion when I interrupted, so go ahead, David.

Commissioner Mosby: I was just going to make a motion to accept the Clark Dietz proposal.

Commissioner Mourdock: Okay, I'll second, with, as I said a moment ago, I still hope we might have a Barrett Law option here.

President Fanello: Just so I make sure, we're going to take this out of Riverboat and Drainage money until—

John Stoll: I was going to say Infrastructure.

President Fanello: —Infrastructure, Drainage money, okay. So ordered.

John Stoll: Okay, next I've got a storm sewer request on Five Oaks Subdivision. This is for 11' of 12" pipe that lies outside the 30' right-of-way on Hedden Road. The developer has not paid the \$2 a foot fee, so it's requested that this pipe be accepted subject to our receipt of the \$22 check that the developer owes us.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last thing I've got is in regard to the Evergreen Acres Drainage Project that's under construction right now. We're running into some down spouts that need to be run out to the ditches. The contractor gave us a price of \$1,025 for running out all the down spouts that we are running into right now. So, I would like to request approval to proceed with using their \$11.25 per linear foot price for tying in these down spout drains that they keep encountering, and then we will bring back a final change order once the final quantities are known.

Commissioner Mourdock: Where is this, John?

John Stoll: Evergreen Acres. Out Pine Place, Heather Court, Larch Lane area.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

President Fanello: Anybody have any questions? County Highway.

Madelyn Grayson: May we make another tape change please?

**(Tape Changed)**

**Ralph Kissinger: County Highway**

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly report. I wanted to touch on something that John was just talking about, down spouts going into the storm drainage. Whether we like it or not, I'm, my department goes out to repair those. There are several areas on the north side where the storm drainage is kind of iffy anyway. We've got people digging, and trenching and doing their own taps into these, and it's causing a lot of faults in the pipes, and we're going to have to replace all that pipe. I don't know if it can be done, or how it can be done, but I think we need some sort of an ordinance. These storm drains are not really made for the purpose of tapping these down spouts into. The down spouts are supposed to run into the street, and they are supposed to find their way into there. It's causing a big problem, especially in the area over, just off of Old State Road out here. We've replaced quite a bit of pipe this year, and I think before the next three or four years, the whole neighborhood is going to have to be done. A lot of it is caused from people coming in to make cuts in these pipes and not properly tapping in, getting the (Inaudible) right, and it causes a fault in the pipe, and the pipes start to settle, and then all the pipes start to separate, and then it ends up being a big mess. I would like for you to consider, I'm not trying to get you to make a motion or anything, but just consider some sort of an ordinance in the county. I know that piping ditches is kind of taboo, and it does cause a lot of problems, but where these ditches are piped, that we have to maintain, we need to try to uphold the integrity of the system, because, you know, we don't have flushing equipment, and when these things clog up, we pay upwards of \$160 an hour to rent equipment to clean these pipes out. I think it would be a lot cheaper to do the preventative on it than to charge the taxpayers all the money we have to charge them to clean these pipes out. Other than that, if you have any questions on my report.

President Fanello: Questions? That's it.

Ralph Kissinger: Thank you.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: Yes, we would request an Executive Session be set up before the evening is over for the next Monday, or at a date convenient to you. There is a MBE ordinance, which the county will be introducing, and I wanted to report that I talked to the City Attorney's Office, Mr. Winterheimer, he advises that they are intending to act, I think, this evening, and we'll be able to coordinate then the county version of that ordinance with the city in order that it can be properly introduced here. He wanted to take a look to determine whether the County Council needed to also review that, or act on it in an official manner. For the record, with regard to the legal opinions and references in regard to 21<sup>st</sup> Century, I wanted to be sure that the record stands corrected with regard to the Attorney General and my opinion as to what the Attorney General had or had not done with regard to these statutory forms of BOT's or build, operate, transfers. That is that, I think, I wanted to clarify for the record, so that it remains there, that I did not state that he had affirmatively made a determination negatively on these. What I said instead of that, in less than casual conversation, was that the Attorney General's older opinions tended to state that public bidding was absolutely required, competitive

bidding, on almost any project. We know that that is somewhat modified by modern statutes today. With regard to the Jobe's Lane matter, as you know, there is litigation with regard to that, and I don't think there is anything particularly confidential with regard to the participation by the Commission on it. I think that it fits fine and there does not seem to be any prejudicial action by carrying forward what we are doing. I know there might have been some concern about that, but it's our opinion that there is not, and only cautionary word concerning that is that we do need to be certain that the grant fits in with crediting the amounts that we are paying out in so called soft costs. That's all I had this evening.

President Fanello: Alright. Do we want to go ahead and make a motion for the Executive Session on Monday?

Commissioner Mosby: How long do we need?

President Fanello: Yeah, how long do you...I also have an issue. A security issue.

Philip Hayes: Okay. I think I'm familiar with that. On our part, I would think 20 minutes.

President Fanello: 5:00 then?

Commissioner Mourdock: I'll move we have an Executive Session scheduled at 5:00 at our next meeting—

Philip Hayes: Okay.

Commissioner Mourdock: —which would be March 4<sup>th</sup>.

President Fanello: Do I have a second on that?

Commissioner Mosby: Second.

President Fanello: So ordered.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Okay, Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Okay. Any questions for Superintendent?

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I guess the first thing is that the plans for the O'Day Discovery Lodge will be done, and I would like to get on the agenda to have Morley and Associates present them to the Commissioners next Monday evening.

President Fanello: Okay. Tammy can go ahead and place that on the agenda.

Steve Craig: You have my weekly work sheets, and if you have any questions for me.

Commissioner Mourdock: Thank you for the financial report.

President Fanello: Yes, thank you.

Commissioner Mosby: Thank you, Steve. I don't have any questions.

President Fanello: Okay.

Steve Craig: Thank you.

Commissioner Mosby: Thank you.

### SWCD & Ozone Officer Reports

President Fanello: Soil and Water and Ozone, do I have a motion to accept those?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

### Consent Items

President Fanello: Consent Items. I believe we need to pull one item out.

Commissioner Mosby: Yes, number D. I would like to make a motion to pull D off the Consent Items.

Commissioner Mourdock: Is that not in line with what we had previously approved?

President Fanello: Not in my opinion.

Commissioner Mosby: No. Previously we approved a \$4,000 request for this individual to go to, I guess, college—

Commissioner Mourdock: Right, and he had the contract, of sorts, that he agreed to.

Commissioner Mosby: Right. Now they have submitted a bill for another \$9,600.

Commissioner Mourdock: Okay. Alright.

Commissioner Mosby: So, I'm requesting that we pull D.

President Fanello: You're making a motion to pull D?

Commissioner Mosby: I'll make that motion.

Commissioner Mourdock: I'll second.

President Fanello: So ordered. Ms. Musgrave's not here, is she? Okay.

Commissioner Mosby: I would ask that she be contacted, and come give an explanation of this.

President Fanello: Yes, I don't believe we should discuss it without her being here. I know that we did request that she be here, but I guess that she could not make it. Or did not want to make it. I would also ask that she also explain this other item that came across my desk today. Learn how to use the new GIS system. The City/County GIS Department is offering two sessions of introduction to Art View 3.X, whatever that means. We are charging, I guess, \$370 to county employees to come and listen to this session. I probably would like a big explanation on that one. So, we'll request that Ms. Musgrave be here next week.

Tammy McKinney: Do you want her to come to Executive Session?

President Fanello: No.

Tammy McKinney: Okay.

President Fanello: These are not items that may be covered in Executive Session.

Commissioner Mourdock: Then with Consent Items, apparently there are two that came in late again, that we had on our desk that need to be added to the Consent File?

Tammy McKinney: Right.

Commissioner Mourdock: I think, and I lost, there they are, I move that we add the two Consent Items from the Sheriff's Department to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: With the one removal, and the addition of those two, I would move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. Okay.<sup>1</sup>

<b>Old Business</b>
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President Fanello: Old Business.

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<sup>1</sup>Consent Items listed on Page 31.

Commissioner Mosby: Old Business.

President Fanello: Does anyone have some Old Business they would like to bring up?

Commissioner Mosby: Do you want to talk about the Courthouse?

President Fanello: Uh-huh.

Commissioner Mosby: Okay.

President Fanello: Do you have anything that you wanted to say about that? Okay. Is there any Old Business that you would like to bring up? Okay.

<b>New Business</b>
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President Fanello: New Business. I spoke with Sheriff Ellsworth earlier, and in our discussions about Community Corrections, and the discussions that are taking place with the State, I think it would probably be a good idea if we go ahead and have the Sheriff submit to us a weekly report of what is going on at the Safe House, and kind of keep us up to date on the happenings out there. Just to bring everyone up to date, I believe they probably saw the article in the paper last week that there are discussions taking place with the DOC about Community Corrections, and I'm expecting another phone call this week, and hope to have some more information. I know that also a couple of the Judges have been in discussion as well. So, as soon as I have more information, I will pass that along. The one other item I had was Personnel Policy. I would like for us to direct the County Attorney to begin revising the Personnel Policy. There was an issue that, obviously, we had to take care of a few weeks ago about an employee who left—

Commissioner Mourdock: Barbara?

President Fanello: Barbara, and I think that needs to be addressed amongst many other things in there. So, I would like to direct the County Attorney to begin work on that.

Commissioner Mourdock: Okay, let me go back to your previous one.

President Fanello: Okay.

Commissioner Mourdock: We jumped from one to the other. As far as reports from Community Corrections, what I would like to see specifically in there would be, in a weekly report, in a summary, what we are seeing by way of programming. I know, one of the things, when I first got on the Advisory Board a couple of years back, was the discussion about how we would have some more programs out there, and be monitoring folks, and I think that's the type of stuff I would like to see in that report.

President Fanello: I told the Sheriff that I would get with him this week, and kind of go over some of the things that I would like to see in there, but we would sit down and have a meeting about it.

Commissioner Mourdock: Okay. Going to your second item, then on the Personnel Policy, I'm certainly open for discussions, but, obviously, we did have a fundamental disagreement on that one, and as I think I said at the time, the first year that I was on this board, I think I probably would have voted the way the two of you voted on that issue, but I've seen so many come through here over the years, where it is hard to maintain consistency, that I think that that needs to be our first goal in the Personnel Policy. So, whatever we do, that's the way I'm going to be judging it.

President Fanello: Okay. Is there any questions on Personnel Policy? Okay, if there is no more Old Business, or New Business—

Commissioner Mosby: I've got New Business.

President Fanello: Okay.

Commissioner Mosby: Well, I mean, maybe I should have brought it up under Old Business. Two things I want to talk about under New Business. First one is, I know the County Council meets on Wednesday, and I believe it's been talked about, we've got a proposal in for the roof on the Old Courthouse, and I know the County Council is still talking about taking money out of the Bridge Fund, possibly, a third of the Bridge Fund, 15 cents, a nickel to 15 cents, and put it over into the Courthouse. I am still against that, and I would like for it to be the consensus of this Commission that we would not favor taking a nickel out of the Bridge Fund and donating, or dedicate it towards the Courthouse, for the pure and simple reason is...and I read the article that was in the newspaper, and I totally understand that the Auditor says that, you know, we can afford this, and we can renovate all the bridges, plan for upgrade in the next five years and still have \$5 million, and I totally disagree with that. It's not right. We have projects on the books that are not set into this budget yet. We have a \$2.5 million project, probably, on Green River Road that we are going to be responsible for. We probably have a \$1.4 million project on Eickhoff Road that we are going to be responsible for. We don't know what's in them RFP's that we just took tonight. We just took RFP's on bridge assessments tonight, and none of us know what's in them books yet. So, for somebody to say that we can adequately afford to do this and renovate every bridge for the next five years is speaking out of turn. I want to make that point on the record, because you take a nickel of the Bridge Fund, you are talking about, well, that's a third of your Bridge Fund, \$2.2 million. So, you're taking \$700,000 to \$800,000 out of the Bridge Fund each year. I don't believe that any of us know that we can keep up with that. It would be my...and I've offered to the County Council, I will go in on the window part of it, if the Council will go in on the roof. If the Council wants to do the windows, I'll do the roof. You know, I would make that proposal to them. The one thing that the consultant said in that Task Force Study that we had done at the Courthouse, is that you need to seal the Courthouse. You've got two problems over there. You've got windows, and you've got a roof. It doesn't matter who does what, you know, we take money out of CCD to do one part of it, and they take money out of the General to do the other, or out of LIT. That's my proposal. We can come back after that is all said and done, if we want to look at a major renovation, then we decide where that money is coming for to pay for a bond issue, you know, to do a major renovation. I do not want to see us take any money out of the Local Bridge Fund to do the Courthouse, and then have to come back and say, well, we robbed Peter to pay Paul one more time, you know, now we have to do something about it. I think we just need to look to the future. Let's keep this as it is, I think, John Stoll said one time we are about fourth or fifth in the state on keeping up with our

bridges. There is a reason why. It's because we do our maintenance, and we do it in a timely manner. Let's don't get to the point where we fall behind, and all of a sudden, we're 95<sup>th</sup> in the State of Indiana out of "x" amount of counties.

Commissioner Mourdock: That would be hard, there are only 92 counties.

Commissioner Mosby: I'll take 91 then, I thought there was 96. I don't want to see that happen.,

Suzanne Crouch: Madam President?

Philip Hayes: Yeah and the state too.

President Fanello: Yes, Suzanne.

Suzanne Crouch: May I respond to that?

President Fanello: If you'll let me respond first. I just have a quick thing to add to that. I've had two meetings with John Stoll, and, well, one actual meeting and probably two or three phone conversations, and Suzanne's financial sheet that she gave us on February 6<sup>th</sup> had an unappropriated balance of \$5.264 million. I'm looking at earmarking approximately \$1.5 million of that for the University Parkway Project. I'm also looking at, I want to see the project on Green River Road between Lynch and Heckel taken seriously, and I would like to earmark \$2.5 million of that, which is an estimate from the engineer of what that bridge portion might cost. So, that would only leave us an unappropriated balance of about \$1.3 million.

Suzanne Crouch: Commissioner Mosby, the financial numbers that I ran were based upon the budget numbers that were submitted by the County Engineer to this body back last year. The budget numbers through 2006. I'll be happy to get that information to you. I would be happy to sit down and go over it with you. I believe that we are having a meeting with Commissioner Fanello, I believe, on Friday.

President Fanello: I don't know. I never heard back.

Suzanne Crouch: That's what I'd heard. I don't have a time, but I would be happy to sit down and go over that with you. They are just numbers. I would like to at least have the opportunity to explain that you, and how I came up with it, but they were based upon budget numbers that the County Engineer submitted. Certainly, I don't have a magic ball, as you all don't either. I understand you wanting to be conservative, and I applaud you for that, but I would like to sit down and go over those numbers with you.

Commissioner Mosby: I guess, my whole point is, I would really like to see what comes in on this bridge inspection. I mean, because none of us know how much a bridge deteriorates over one year. I don't have the magical ball that you're talking about. So, I'm not looking into mine either.

Suzanne Crouch: If we did, we wouldn't be here.

Commissioner Mosby: Well, yeah, and I'm not saying that, you know, we have the money over the next five years to do this, because I'm scared to death of what might come in, and I don't want to rob Peter today—

Suzanne Crouch: I understand.

Commissioner Mosby: –and try to pay off next year, so. That’s my point.

Suzanne Crouch: May I give you a call tomorrow?

Commissioner Mosby: Sure.

Suzanne Crouch: Okay.

Commissioner Mosby: Yes, you can call me.

President Fanello: Like I said, I would like to look at, obviously, we need to earmark the funds for the University Parkway Project, and I would like to look at earmarking those funds for Green River Road.

Suzanne Crouch: (Inaudible. Mike not on.)

President Fanello: Well–

Suzanne Crouch: You can do that by filing an additional.

President Fanello: On the Green River Road Project, that’s going to take a little, that may be a project down the road, but it’s a project that I would like for us to start earmarking money for, because it’s going to be a very expensive project with no Federal money involved. So, it will be all on us.

Commissioner Mosby: I would make a motion that it be the consensus of this Commission not to take any money out of the Bridge Fund at this time.

Commissioner Mourdock: We all know that County Council is an animal unto itself. I don’t know that a unanimous resolution, or a less than full resolution here is going to have much sway. I’ll second.

President Fanello: I’ll say so ordered. That will be at this time we will not pursue that.

Commissioner Mosby: One other thing that I wanted to ask the Auditor. Have you had any complaints about the W-2's?

Suzanne Crouch: No, I have not.

Commissioner Mosby: Okay, the W-2's–

Suzanne Crouch: Have you heard any?

Commissioner Mosby: Yes. The W-2's are wrong.

Suzanne Crouch: Can you share?

Commissioner Mosby: Yes, I will. The Federal side of the W-2 is right, and it has all the correct numbers in it. The left side, the State copy and the Local copy, on the top portion of the W-2 it has the numbers across the top line. On the bottom,

the bottom numbers are left off. On the bottom copy, the top numbers are left off, the bottom numbers are on. There has already been people that have filed their tax return that's getting them back.

Suzanne Crouch: I appreciate you bringing that to our attention—

Commissioner Mosby: So—

Suzanne Crouch: We have a new payroll system, and I imagine that is one of the kinks that we need to address, but thank you for bringing that to our attention.

Commissioner Mosby: I've done been called twice over the weekend that people are now starting to get their tax returns back.

Suzanne Crouch: I'll follow up.

Commissioner Mosby: So, we need to immediately make sure and notify every employee that hasn't filed, they need to check their W-2's, because they are not right. Or, they are right, I guess, the numbers are right, and the way I...and I'm not an accountant, but the way I understand it, I guess, if you made a copy of both copies and sent both copies off and didn't retain one for yourself, you would get all the numbers that you actually needed. I did look at mine, and I know what's wrong with it. I could show you, but I didn't bring it with me, but that's something we need to check tomorrow and notify somebody.

President Fanello: I just have one more small piece of New Business. The Sheriff had submitted a letter to us to consider an increase in phone costs. I'm not going to go into detail here, what I'm going to do is give each of you a copy of what they would like to do. I don't know if they wanted to explain it real quick or not, but—

Commissioner Mourdock: You're not referring to the letter that was in here requiring the phone maintenance? That's an additional—

President Fanello: No, this is different one. So, I'll go ahead and put a, just to let them know, I'll put it on the agenda for next week and we can look at it, but I'll give each of you a copy of it. Anything else?

Commissioner Mosby: I don't have anything.

Commissioner Mourdock: Motion to adjourn.

President Fanello: Motion to adjourn. So ordered, and Rezoning will start—

Commissioner Mosby: Are we adjourning or just recessing?

Suzanne Crouch: You adjourn this meeting.

President Fanello: We will meet for Rezoning in ten minutes.

The meeting was adjourned at 6:50 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Treasurer	Co-Op Extension	Circuit Court
Coroner	Burdette Park	County Clerk
Sheriff Department		

**Travel Requests:**

Health Department	SWCD	Knight Assessor
DADS	County Clerk	

**Requests for Service:**

Superior Court	Sheriff Department
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**County Assessor:**

Request to Approve Continuing Education Blue Claim.

**Prosecutor:** Victims of Crime Act Grant Applications

**Treasurer:** Declaration of Surplus Equipment.

**Sheriff:**

Interlocal Agreement with Clinton County for Transfer of Inmates.  
Interlocal Agreement with St. Joe County for Transfer of Inmates.  
Federal Annual Certification Report  
Certification and Acceptance of Grant Application: S.T.O.P. Grant  
Weekly Jail Information and Reports.  
EPA Application for Local Reimbursement: Meth Lab

**Judge Niemeier:** Contract between Superior Court and C.A.S.A.

**County Highway:** Declaration of Surplus Vehicles.

**Burdette Park:** Request to Acquire Co. Hwy. Surplus Vehicles.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Linda Nalley	Ed Hafer
Alan Braun	Les Shively	J.T. Kinkle
Red Mosby	Dan Ritz	John Stoll
Ralph Kissinger	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
March 4, 2002**

The Vanderburgh County Board of Commissioners met in session this 4<sup>th</sup> day of March, 2002 at 5:40 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the County Board of Commissioners meeting, March 4<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right Tammy McKinney, Superintendent of Buildings; Phil Hayes, County Attorney; Commissioner Mosby; myself, Commissioner Fanello; to my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: First item on the agenda, approval of the minutes from February 25<sup>th</sup>.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Certification of Executive Session for March 4, 2002**

Commissioner Mourdock: We also have summary minutes–

President Fanello: Executive Session.

Commissioner Mourdock: –excuse me, we also have summary minutes from tonight’s Executive Session that began at 5:00. The three Commissioners, County Auditor and County Counsel were present. That session ended at 5:30 and dealt with litigation, or pending or threatened litigation and the implementation of security systems. So, I’d ask that we approve those summary minutes.

Commissioner Mosby: Second.

President Fanello: So ordered. I believe Cheryl is running a few minutes late, so we will move on to the next item, Board Appointments.

**Board Appointments**

President Fanello: I know we have two Board Appointments outstanding, Library Board and Burdette Park.

Commissioner Mourdock: I'll move, as the position on Burdette Park, I'll move appointment of Mr. Carl Shepherd for that. Mr. Shepherd served on several different boards. He's very interested in doing this one. His address is 6321 Oak Hill Road.

Commissioner Mosby: Second.

President Fanello: So ordered. I believe we have a suggestion for the Library Board.

Commissioner Mosby: (Inaudible).

President Fanello: Connie Davis.

Commissioner Mosby: I'll make a motion to appoint Connie Davis to the Library Board.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Marilee Fowler: Visitors and Convention Bureau  
New Marketing Materials**

President Fanello: Next item, Marilee Fowler.

Marilee Fowler: Good evening. I'm Marilee Fowler with the Evansville Convention and Visitors Bureau. I appreciate this opportunity to just come and bring you up to date on some of the programs and projects that we are working on. What we had to realize was change was the theme of 2001. We had change in staff, change in marketing strategies, change in facilities, and ultimately change in the vision of the way the Evansville Convention and Visitors Bureau pursued potential visitors. There is no doubt that the Evansville hospitality industry also felt the effects of September the 11<sup>th</sup>, but due to strong and effective leadership by our Board of Commissioners, we ended the year with many positive programs in place, and an optimistic picture for the coming year. Early in the year, the unfortunate closing of the key convention hotel forced the Bureau and City and County government officials to work jointly to solve this dilemma. This coalition immediately began discussion with private investors to determine what was necessary to restore and reopen the property as quickly as possible. Within a few short weeks, John Bays purchased the hotel, promised an \$8 million renovation to establish it again as a premiere convention quality facility. He not only kept his promise, but also exceeded it, and did so in record time. By mid-year the Executive Inn Evansville was operational and receiving rave reviews by visitors and meeting planners alike. We applaud Mr. Bays for commitment to Evansville's economic future. Now we finally have a first class, state of the art convention center, and a first class, state of the art convention center hotel. So, now our work begins. We started with a marketing program, and with the assistance of Gray Loon Advertising Group, a new advertising campaign was created. Focusing on profiling the Centre, and suitable convention quality hotels, the ad promotes the compatibility components Evansville offers to successfully host groups from four, 40, 400, 4,000. In response to the needs of the hotels and our

sales staff, new sales and marketing collateral materials have been created. We've provided you with a packet. One of them includes our new meeting planner guide, which includes information about all the full service hotels, the Convention Centre, Roberts, the Victory. It also includes just general information that the Bureau can provide. We also have, out in the hallway, set up, our new trade show booth that we've been using at all our trade shows. This past weekend, we even displayed it out at Roberts Stadium for the Great Lakes Valley Conference. We'll be taking it then in a couple more weeks for the Division II Elite Eight Conference. Also in there are convention shells that we provide for meeting planners, that they can use in their promotional materials of coming to Evansville. Then our last piece is our Visitor Guide, which again is general information about Evansville. Things to see and do, hotel accommodations, and as you can see, it all has a similar look. We think that is really important that we have a branding, and to really play upon, probably our greatest asset, the river. Now we have the tools that we need to actually go out and sell Evansville. Our primary focus in selling Evansville has been Indiana Associations, governmental groups, religious groups, educational groups, sports groups, like the Great Lakes Valley Conference, the Division II NCAA Elite Eight, soccer groups, golf tournaments, ice hockey, the list goes on. We are also doing a regional approach, obviously, primarily Indiana, Illinois, Kentucky, Ohio and Missouri. We will also be doing several trade shows, that's why the new booth is important. We've just completed the Religious Conference Management Association in Tampa, Florida. Next week we'll be doing a Tri-State Meeting Planners in Louisville, Kentucky. We'll be doing Affordable Meetings for Meeting Planners in the Chicago area, and Destination Showcase, again, a Chicago show. After we have qualified leads, then our sales staff invites these many planners to come and experience Evansville first hand. We hosted our first familiarization tour last October, and of the people attending, the six organizations they were representing have all booked their meetings in Evansville. So, we know once they get here, and take the time to see what we have to offer, at that point it is easy to get them to buy into bringing their meeting here. We will also do customized tours. We're working with several religious groups. We're working with a Vietnam Vet to plan several meetings, as well as the many governmental groups that are coming. Then our next organized fam tour, familiarization tour, will be in the Spring. Also in your packet is a list of the many conventions that we have booked through 2004, and most of those have signed contracts since October, so, we are very pleased to see this list growing. On the tourism side, the Convention Visitors Bureau continues to oversee the Visitors Center at the Pagoda, as well as the Black River Welcome Center located on the east bound side of I-64. In 2001, we served 130,000 visitors through the Pagoda, and 180,000 at the Black River Center. To continue to provide updated information to the visitors coming into these two sites, we've also had two new kiosks designed. This will have updated information on attractions, events, and lodging facilities. One will be installed at both locations. The staff continues to work very closely with groups to hold special functions at the Pagoda. Some of these groups include the Arts Council, the Doctor's Day, which was just this past weekend. The Ohio River Sanitation Commission is bringing in a big aquarium that will be on display down there in April, as well as also private groups that are holding private parties, receptions, weddings. So, we welcome any group that wants to continue to have an event at that facility. In the past year the Bureau has also received a special award from the Indiana Department of Tourism for our newly designed website. So, again, it's listed in there if you have a chance to take a look at it. We think it's a pretty impressive website. The Bureau has also been very involved in bringing a new attraction to Evansville. The Chattanooga Star, which is a 145 passenger excursion side paddle riverboat will be arriving in May 31<sup>st</sup>, and will be doing both public and private parties and cruises throughout the Summer. They will be here through Labor

Day weekend. We feel very encouraged that this is going to be a very nice addition to what we offer our guests, with the idea that they will come back, perhaps, next year for five months. To summarize, the Convention Visitors Bureau, Commissioners and staff believe we have some very exciting years ahead of us. To promote Evansville, we've discovered we have some incredible opportunities that make it a very appealing market. We are a very affordable market. We are very accessible. We are a community that is a very safe place for people to visit, and probably the most important part of all is the friendliness of our community. We have discovered that these are the keys to selling Evansville. I would like to take this time to thank you, to let me bring you up to date on what our programs are all about. I would certainly welcome the opportunity to do this, perhaps, on a quarterly basis, just to let you know what we have in process, and what new things we've added. So, if that would work with you, I would welcome that opportunity. At this point, if you have any questions, I would be glad to answer those.

President Fanello: Does anyone have any questions?

Commissioner Mourdock: No, I don't have any questions, but I would appreciate quarterly or trimester, something like that.

Marilee Fowler: I would very much like that too.

President Fanello: Thank you, Marilee.

Commissioner Mosby: Thank you.

**Cheryl Musgrave: Discussion of Continuing Education  
Blue Claim & GIS**

President Fanello: Since Ms. Musgrave has since come in, we'll move back up on the agenda.

Cheryl Musgrave: Good evening, Cheryl Musgrave, County Assessor.

President Fanello: Thank you, Cheryl, for coming tonight.

Cheryl Musgrave: I'm here to apologize for any misunderstanding or confusion about not being able to respond last week. My daughter spent the evening with us in the emergency room, and I think that you can understand that my priorities rest first with my family. I'm here tonight to address the blue claim form for training a county employee to better perform their job in order to be more cost effective for government.

President Fanello: Well, if we're going to talk about cost effective, I've got a lot of questions here.

Cheryl Musgrave: This additional, this training will enable our employee to perform services that if you contracted out for these services, for an additional employee under contract, you might expect to pay an estimated \$60,000 to \$100,000 a year. I want to make the point that the reassessment makes unprecedented demands on the Assessors, and on our computer systems. That reassessment is not an everyday event. The training is unique to this process, and that this training is not applicable to all other county offices. For example, in the 1995 reassessment, my

employees spent hundreds of hours assisting a computer service provider in trouble shooting our reassessment software problems. Had we had to pay an outside contractor to perform the role that my employee paid, it would have cost \$65 an hour, or more, depending on the vendor that we chose to step in and do it. Those costs were 1995 costs. I believe that that cost would be well over \$100 an hour now. My employee is paid \$13.80 an hour. I think that you can see that paying an in-house employee to do this job is considerably more cost effective than contracting it out. He'll be within this range of \$13 over the next two years that he has committed to stay as a result of receiving this training. I'm not only committed to training county employees to better perform their job, I'm committed to saving tax payer dollars by taking the most cost effective approach to all reassessment costs, including computer services for the Assessors. I want to also point out that this individual assists not just my office, but all eight township offices. We need to have someone on staff, dedicated to the county and township needs, during the reassessment. Just like I did in the 1995 reassessment. It is part of his job description that was approved several years ago. The management of the Assessor's computer systems is my statutory responsibility. It is clearly written out in statute that the County Assessor is in charge of the County Assessor's computer system. The obtaining of the contract with this employee to repay the funds if he leaves within the next two years is what you told me to do last Fall when we did the same thing. I have the documentation of that. I have another copy of the letter here tonight that I will ask you to sign.

President Fanello: Let's stop right there, because—

Cheryl Musgrave: I have one more thing to say. The funds have already been appropriated from a line item that can be used for nothing else. This is the Sales Disclosure Fund line 3301. This employee has already completed one of the five sessions. He is in the middle of the second session. I've put in a call today to U.S.I. , in addition, to ask them for a discount on the classes. There is some indication that we may receive a discount on this, although I won't know that until tomorrow. So, I would like to take your questions on this matter of training a county employee to do the job that his job description requires for the reassessment for the benefit of all the Assessors.

President Fanello: Let's not over exaggerate here. The problem is, and I'm going to start from the beginning. You bought approximately \$191,542.75 worth of new computers that you said you needed for reassessment. Is that correct?

Cheryl Musgrave: I'm not sure.

President Fanello: I've got the P.O.'s right here.

Cheryl Musgrave: Well, we'll rely on your figures then.

President Fanello: They're not mine, they are from Purchasing. Now, these new computers, as I understand it, is the reason that we are sending this individual to get training. This training is not the assessment software, but this training is more Microsoft Windows type training. Is that true?

Cheryl Musgrave: Our assessment software runs on Microsoft Windows.

President Fanello: Okay.

Cheryl Musgrave: This training is not because we got new computers, so your factual is not exactly correct, Ms. Fanello.

President Fanello: Okay, why did you get new computers? Why did you get \$200,000 worth of new computers?

Cheryl Musgrave: I think that question is more appropriately addressed to the Township Assessors.

President Fanello: No, that's addressed to you, because you lobbied the Council for \$277,000. So, could you please answer the question?

Cheryl Musgrave: The appropriation was a joint appropriation for all the Assessors, including some computers for the Auditor's office. It was merely run through one line item. Many people spoke for this appropriation.

President Fanello: Okay, but—

Cheryl Musgrave: And the new software required an accelerated platform. We had to meet the requirements, and we still do. The update reassessment software.

President Fanello: Which is the ProVal software?

Cheryl Musgrave: Correct.

President Fanello: Okay. Can you tell me, so that I...and I've been trying to speak with Alan Teeple in Computer Services, and have asked him some questions, trying to get a grip on what's going on around here with our Computer Services, whom we pay approximately \$49,000 a month to for management fee. Why would we be training someone outside of Computer Services when we have a contract, when the County Commissioners have a contract with Computer Services? Why are we going a different direction?

Cheryl Musgrave: You are not going a different direction. This is how the Assessors have met their computer needs since before I was in office.

President Fanello: So, Computer Services has never taken care of ProVal?

Cheryl Musgrave: They do desktop support, and they do some maintenance of the ProVal software, yes. That's not the only thing the Assessor's have to do. Again, your Computer Services provider works for you, the Assessor's are not part of that contract, although we do use some of their services.

President Fanello: You use quite a bit of their services, and, yes, every county office who has a computer and is connected to the network is a part of Computer Services. I'm sorry I don't agree with you. I mean, my personal opinion is that you have circumvented the whole process here.

Cheryl Musgrave: Well, I disagree with your personal opinion.

President Fanello: Well, I don't, because we signed a contract with Computer Services, like I said, for a management fee for 49 some thousand dollars a month, and I don't know why it's necessary for us to go buy computers and have someone

else trained outside of Computer Services to perform these services. I mean, why am I paying \$49,000 a month?

Cheryl Musgrave: I cannot explain why you choose to pay \$49,000 a month—

President Fanello: But, the point, well, we pay for the whole county.

Cheryl Musgrave: —when you could certainly do it in a more cost effective way.

President Fanello: Well, that's your opinion, but what I'm after here is the fact that your office does not cooperate with this whole process.

Cheryl Musgrave: I'm here tonight to address the blue claim form that's on your agenda.

President Fanello: And I have other issues to address, so as I bring those up...which have to do with this whole scenario here. I personally don't think that we should pay someone else \$10,000, or pay training \$10,000. When you came to us last Fall, you never said anything about this being an on-going process, and if you knew that you needed to train somebody on new computers that you bought, why wasn't that brought to the Council's attention?

Cheryl Musgrave: Again, it's your statement that this training is for the new computers.

President Fanello: Cheryl, it is.

Commissioner Mosby: What's it for?

President Fanello: Yeah. Then explain, in detail, what is it for?

Cheryl Musgrave: It is for the benefit of the Assessor's during the reassessment period, that we have someone on staff to perform the functions that are necessary as trouble shooting of the reassessment software and other issues that arise. We had someone on staff in 1995 to do this. We are trying to replicate that situation. This individual doesn't have the same level of training as the prior individual. Trying to bring him up to speed, and make it a professional effort, at reduced cost for the county. Again, this individual is paid \$13.80 an hour. Now, I'm going to ask you a question, how much an hour are similar individuals paid for by your contract provider getting paid per hour?

President Fanello: That's not what we're discussing here.

Cheryl Musgrave: How many (Inaudible. Talking over each other.) do you have?

Commissioner Mosby: I was going to say—

President Fanello: We're not discussing that here. That's not the issue.

Cheryl Musgrave: I think it's directly the issue.

President Fanello: Can you explain—

Cheryl Musgrave: Comparable costs for comparable service.

President Fanello: Can you...we're not the private sector, and we never will be. Can you explain, the first...let's go over all the sessions that he's taking. Implementing Microsoft Windows 2000 Network. What does that have to do with reassessment?

Cheryl Musgrave: Our software runs on Windows 2000.

President Fanello: And Computer Services knows nothing about Windows 2000?

Cheryl Musgrave: They may know something about it. We need more people to know something about it. The reassessment makes unique demands upon Computer Services, upon the services that the Assessors require of their computers. I cannot rely solely on one provider. I wouldn't rely solely on one employee in my office. We need to have more than we normally have.

President Fanello: If you hadn't bought these new computers, would you still be having someone go through this type of training?

Cheryl Musgrave: Yes. The new software is running on Windows 2000.

President Fanello: We have the new ProVal software?

Cheryl Musgrave: We're in the process of obtaining that.

President Fanello: Uh-huh. When will that be obtained?

Cheryl Musgrave: As soon as the State gives that software preliminary certification.

President Fanello: Okay. I still have a problem with somebody being trained outside of Computer Services for this.

Cheryl Musgrave: I think training county employees to do their job well, instead of contracting the job out for up to \$100 or more an hour makes perfect sense.

President Fanello: Is that a part of this person's job description?

Cheryl Musgrave: What's that?

President Fanello: The one that we are training for all of these things, is that his job description?

Cheryl Musgrave: It is part of his job description.

President Fanello: Do you have questions?

Commissioner Mosby: No. I'm going to correct you on one thing you said. When you brought up the fact that we knew this last year. That's the only thing I'm going to correct you on. When you came to us last year and asked us to pay for an employee, you asked for \$4,000 to send an employee to school, and to have him sign a two year contract. Last week I get a \$10,000 bill in my packet that I knew nothing about. That's the problem I have, is the fact that you can run out and think you can send somebody to school and spend \$10,000 and not consult the Commissioners or the Council, I think is...I would hate to think that every office holder in this county started doing what you are doing.

Cheryl Musgrave: Oh, and I think (Inaudible. Talking over each other.) the more that you do—

Commissioner Mosby: We would have a fiasco.

Cheryl Musgrave: —the less you will spend on that \$50,000 a month.

President Fanello: But that's not your decision to make, Cheryl.

Cheryl Musgrave: The Assessor's computers are under the control of the County Assessor. It is written in the statute.

President Fanello: But this Board right here controls every contract in the county.

Cheryl Musgrave: And the Assessor's computers have not (Inaudible. Talking over each other.) in ACS' contract.

President Fanello: And you have to come to us for contracts. I don't ever know who told you they couldn't be.

Cheryl Musgrave: They are not. It's a matter of fact.

President Fanello: Well, but you still have to come to us for contractual issues.

Cheryl Musgrave: And I am here tonight—

President Fanello: After he's—

Cheryl Musgrave: —on a blue claim form that has been submitted. I have a fresh copy of the letter, and I've included signature lines for you. Let me give them to you now. Philip Bernard has already signed it, and that is the sort of letter that you requested. I have e-mails showing that this is the letter that you wanted to be attached to the blue claim form last Fall.

President Fanello: Uh-huh.

Cheryl Musgrave: I was doing exactly what you told me to do last Fall in the identical circumstance this one is doing.

President Fanello: But you went ahead...go ahead.

Commissioner Mosby: It's not the identical circumstance.

President Fanello: No.

Commissioner Mosby: You came to us last year and said I need to send this gentleman to school one time to learn these programs, and it's going to cost \$4,000. We at that point asked for a two year contract. You never said I'm coming back next year for \$10,000, and the following year for \$20,000.

Cheryl Musgrave: I didn't tell you it was a one time thing. Perhaps you misremember.

Commissioner Mosby: I must have misinterpreted you then. I'm very sorry about that.

President Fanello: Do you have any questions, Commissioner Mourdock?

Commissioner Mourdock: I'll add something later. Go ahead.

Commissioner Mosby: I'm done.

President Fanello: I, I...I'm going to agree with Commissioner Mosby, this was never interpreted to be an expensive, on-going thing like this. I think this is something that the Council should really have a say so in. The funds you are talking about, I'm not sure about those. Suzanne, is that for training for anyone?

Suzanne Crouch: Assessing Training.

President Fanello: Just for Assessing?

Suzanne Crouch: Uh-huh.

President Fanello: Okay. I've got another issue I would like to talk to you about while you're up here, but...go ahead.

Cheryl Musgrave: I'm here tonight prepared to discuss the blue claim form for training.

President Fanello: So, are you telling me I can't discuss the GIS issue?

Cheryl Musgrave: You may bring up points.

President Fanello: That's what I thought. Okay. On the GIS issue, I guess, I'm a little confused, and this may work within all of this. On the assessing software, which is the ProVal software, correct? It's my understanding, and I've got several e-mails that have gone back and forth with Alan Teeple, from Computer Services, about problems you are having. I believe you moved the ProVal server, is that? You moved your ProVal?

Cheryl Musgrave: It was moved.

President Fanello: Okay. Who is taking care of ProVal?

Cheryl Musgrave: Alan Teeple and his staff.

President Fanello: Okay. What does, what is the involvement with Mark Rolley?

Cheryl Musgrave: I'm not prepared to discuss those matters here tonight. You would like to know what the involvement is with Mark Rolley?

President Fanello: Uh-huh.

Cheryl Musgrave: Alright, I'll research that and get back to you.

President Fanello: Okay, because I'm concerned that he is performing some contractual issues of which we should have a contract for.

Cheryl Musgrave: In what? Give me an example of a contractual issue.

President Fanello: There just seems to be a lot of discussion, and I'm not technical, so I'm not going to pretend to understand all the technicalities of what's been going back and forth in some of these e-mails, but it seems like he is having a lot to do with the ProVal operations, and I know he is a consulting service, and it seems to me that you would be signing some kind of contract with him.

Cheryl Musgrave: I have no contract with Mark Rolley.

President Fanello: Right now it seems like he's getting paid out of the GIS budget, so I'm not sure how that all works with the GIS.

Cheryl Musgrave: And I have no information regarding that. You will need to contact someone else for that information.

President Fanello: And who would I contact for that information?

Cheryl Musgrave: The GIS Department.

President Fanello: Okay. So, you have nothing to do with that whatsoever? You have nothing to do with GIS whatsoever?

Cheryl Musgrave: I think that's too broad a statement to make.

Commissioner Mourdock: If we're about concluded, my comment would simply be, you know, I think there are some valid concerns, valid issues here, and I also understand the Assessor's point of view of wanting to get better value for the dollar. The question, I think, has come up many times as far as what we pay monthly, before you were on the board, as far as what we pay monthly and what we get for bang for our buck, and the fact that there consistently seem to be dissatisfied customers as far as all the service that was provided, and how can we do that. I think Cheryl has tried to, maybe, push the envelope a little bit to make sure that things did get done, and I have a hard time finding fault for that. Having said that though, and I have to say too, Cheryl, because I was one of the people that signed off on the other blue claim form last Fall, you had come to us, talked to us in advance, told us about that, and I was quite comfortable doing that. Especially once the gentleman signed the contract. So, the newer one that came in was a bit of a surprise. Lastly I would say, I think, most of the issues here, I think, most of the discussion is not so much involving David or myself. Just because the two of you are more into this than we are, and I think maybe it could be done outside of this meeting. I think, it seems we're having a bit of an inquisition of sorts, and I don't know that that's necessarily going to move us forward in a positive fashion.

President Fanello: I'll agree with that, but I think when all these things kind of work together... I know that, Cheryl, we sent a letter to your office about a month ago, asking you to respond to some issues. Do you know when you might be able to respond to that?

Cheryl Musgrave: I didn't understand your letter. You addressed a great number of issues in the letter, most of which did not pertain to me. So, I would ask that you re-draft your letter with only issues that pertain to my office, and write it clearly so that I may respond to it. I couldn't understand your letter.

President Fanello: I don't know how to make it any more clear than that. Every, all Commissioners signed off on it. I think you have a copy—

Cheryl Musgrave: I did speak with Mr. Mourdock, and Mr. Mourdock agreed with me that the letter was vague, and spoke to issues that did not pertain to me, and he suggested that no response to that letter was appropriate.

President Fanello: Well—

Commissioner Mourdock: That's a little bit broader statement than I said, Cheryl. What I said was that I thought there were some, certainly, areas in that letter that went beyond your expertise, or beyond your area of involvement—

Cheryl Musgrave: Right.

Commissioner Mourdock: —and I think that's what I said. So, I don't know that I said it was not worth responding to in toto.

President Fanello: Out of respect for the other two Commissioners sitting here, even though, maybe, Commissioner Mourdock did not want a response, maybe Commissioner Mosby and I did want a response. If there are things in there that you don't think pertain to you, I mean, I would put those in the response. I think there are definite things in that letter that do pertain to some of the areas that we're even discussing here with the GIS. So, I would like a response back from what we asked you to do.

Cheryl Musgrave: Thank you.

Commissioner Mosby: Do we need a motion?

President Fanello: Uh-huh.

Commissioner Mourdock: For what?

President Fanello: To whether we sign this claim or not. We have a claim, an actual blue claim.

Commissioner Mourdock: The only motion we would make, the only motion we would make would be whether or not it would be included in the Consent Items.

President Fanello: Yeah, exactly.

Commissioner Mourdock: So, there's no motion required.

Commissioner Mosby: I make a motion we don't include it in the Consent Items.

Commissioner Mourdock: I don't know that...motions are to be in the positive, so I don't know that you need to make a motion at all, David.

Commissioner Mosby: I'll skip.

Commissioner Mourdock: Pardon?

Commissioner Mosby: I'll skip it.

Commissioner Mourdock: Oh, okay.

President Fanello: I'll recommend. If we're not going to include it in the Consent Items, then we need to give Ms. Musgrave an answer, and my suggestion would be that we ask her to go to the Council for funding for this. That's my suggestion to her. Don't know if we need a motion to that affect or not.

Commissioner Mourdock: For that you would need a motion.

President Fanello: Okay. If anybody wants to make a motion to that affect, but I personally do not intend on signing a claim for those services. So, okay. The other thing, since we were talking about GIS, real quickly, we do have a contract with the Water Department that binds us to 50% County, 50% Water Department, GIS expenditures. I think it's time that we take a very good look at where we stand with GIS, and what kind of communication we are getting from all the parties involved, and maybe look at maybe fine tuning this contract, or not continuing the contract if we don't come to some resolution on a chain of command here.

Commissioner Mourdock: The first part I have no problem with at all. I mean, sure we can always hone and define and try to make things more effective with GIS. I have no problem with that at all. I would...the comment do away with GIS-

President Fanello: And I don't really want to do that, but I think-

Commissioner Mourdock: -I'm not (Inaudible. Talking over each other.)

President Fanello: -we need to really take a good hard look at where we're headed, and the communication that we are receiving from all the departments involved.

Commissioner Mourdock: I would add to that a periodic review of the work product.

President Fanello: I agree. Next item on the agenda is Dennis Woehler.

**Dennis Woehler: ONB Insurance:  
Medical Insurance Advisory Committee and  
Anthem Cumulative Fund Balance**

Dennis Woehler: Dennis Woehler, ONB Insurance. I have a couple of items. The first item would be the, that I would ask for a motion on the proposal that I showed you earlier about reinstating, re-establishing the Insurance Advisory Committee, for the sole purpose of getting the employees to, not only educated, but to buy into what it actually costs, and what is involved in health insurance issues of today. With the optimum outcome being for them to understand that cost containment does not necessarily mean reduction in benefits.

President Fanello: Does anyone have any questions on Mr. Woehler's proposal?

Commissioner Mourdock: Yeah, I have a question or a comment. I have the letter, Dennis, and I don't recall, as you say we are re-establishing this group, I don't recall that we did that under a separate fee previously.

Dennis Woehler: Actually in '97 there was an agreement drawn up, which you signed, sir.

Commissioner Mourdock: That had a separate fee to it?

Dennis Woehler: Yes.

Commissioner Mourdock: For the purpose of the meetings?

Dennis Woehler: Yes.

Commissioner Mourdock: Okay, well, I will never claim to have a perfect memory. I didn't recall that, but, I guess, the other thing that is of concern to me, when I see the fee, we've certainly had several discussions here lately about the increasing rates of insurance that we are having to pay for a lot of different reasons, and I am not one who hesitates to pay based on what we see in performance, but if we could put some...and I understand one of the purposes of this group is so that we get better dollar value for our insurance, so that we have our employees using the policy more wisely. If we could have some payment coming back from the savings that we're otherwise accruing, that I might be okay with. At this point, having seen the increases that we've seen, I'm not sure I can go along with the \$10,000 annual fee, just to pay to have a series of meetings for which we don't know if we'll get any measurable results.

Dennis Woehler: I understand, and empathize with your issue. I think that, of course, the purpose for this, and it's going to take many, many hours of preparation and so forth, is to actually, I guess, produce a paradigm shift, of sorts. High utilization has always been a problem with not just our county, but with municipalities in general. You know, I've already gotten preliminaries from Anthem. You know, you ran about 117% loss ratio this year, without one major claim, because they call a major claim a \$100,000 plus. You guys haven't had one in three years, but the utilization is, I think, the issue that needs to be addressed, and the plan design. The plan design, I don't think that, realistically, the county can absorb the kind of increase that the type of program you are on suffers every year. Quite frankly, every news article is pointing to double digit increases this year.

Commissioner Mourdock: I understand, and I am very concerned about that. We've spoken about that previously here. I don't know what state statute would allow, you know, we've run into these nuances in government, for instance, going back to the architects contract with the jail, where it couldn't be done in a straight percentage basis, and I don't know if there is anything present that would otherwise preclude us from doing something, establishing some rate, if there had to be a rate for this type of service, based on the savings that we see from the change of behavior. I mean, that's what the purpose of this is, as I understand it, is so we don't have people going to the doctor for a simple cold that the doctor is going to give them the aspirin and send them home.

Dennis Woehler: Well, it's not just that, it's also to educate them on other alternative plans that, perhaps, up to this point have seemed like a major changes that would actually take something away from them, and it doesn't have to be that way.

Commissioner Mourdock: Uh-huh.

Dennis Woehler: I think education, in and of itself, will more than pay for any fee.

Commissioner Mourdock: But we know how stubbornly people hold on to the plans they have. We've seen that, because every time we try to get them to move, and we're pushing a big rock.

Dennis Woehler: Well, and, of course, obviously, with an employee panel, hopefully, you know, if we can, if we can get those people to take a positive image back to, you know, the rank and file, you know, I think that's, I think that's where the key is. You know, to make a decision in here, without any sort of buy in from the people who are actually utilizing the plan, I don't think we are ever going to get to the point where we can stop the kind of increases that we've had.

Commissioner Mourdock: I don't think we disagree at all on what the objective is. It's just whether we pay it as a lump sum fee, or come up with some other way of doing it. That's my issue.

President Fanello: Do you have any questions? Or any comments? Are you comfortable with the \$10,000?

Commissioner Mosby: I mean, I'm comfortable with the \$10,000. We've got to do something. This looks like one of the best solutions I've seen yet, is to try and educate, you know, the different departments. So, with what I've seen in insurance costs from the carrier this year, and, possibly, in the future, I think \$10,000 is a small price to pay for what we might see coming down the road. So, I feel comfortable with it.

President Fanello: I would say that I would like to see, as you say, you've done it in the past, and how much did you charge before in '97? You said something about 1997.

Dennis Woehler: Actually, this was the agreement with the county in 1997.

President Fanello: 1997?

Dennis Woehler: And it's the same.

President Fanello: Same agreement? I would like to do it for one year, and see...is there any way you would be able to measure—

Dennis Woehler: Absolutely. (Inaudible. Talking over each other.)

President Fanello: —like Commissioner Mourdock said. Measure results.

Dennis Woehler: When we bring alternate proposals to the table, and avoid a mutiny when we bring them will, I think, that will be the—

President Fanello: I think it can be, as I understand it, absorbed in our insurance budget, currently. So, from my discussions with, I think, Dennis Feldhaus. So, I'm not opposed to doing it.

Commissioner Mosby: I'll make the motion that we accept the request from ONB for the Insurance Advisory Committee. To re-establish the Insurance Advisory Committee.

President Fanello: And I'll second that motion.

Dennis Woehler: I will...and I gave you a list of recommended offices, or places where we get the panel from. With your permission, I will get with Patty White and see if we can coordinate this with the departments as far as recruiting participants.

Commissioner Mourdock: Could you then, Dennis, please provide us, well, how frequently will people be able to change over? They won't be able to change over whenever they want to, correct? I mean, it's—

Dennis Woehler: As far as?

Commissioner Mourdock: Changing from one plan to another. I'm going back to Catherine's point about measuring it. Can we get a quarterly report from you? A monthly report as to what kind of real progress we are making, and what kind of dollar savings we are seeing as a result of the work of this group.

Dennis Woehler: Absolutely. I get quarterly reports. For example, from Anthem on say the utilization on Rx, for example, prescription drugs, and, you know, they run extremely high.

Commissioner Mourdock: But utilization versus turn or change from one program to another, that change will not happen until when? I mean, if people have a set time.

Dennis Woehler: The change from one program to another, it will be a first of the year change, as far as programs go.

Commissioner Mourdock: Okay.

Dennis Woehler: And, we are going to need, I'm sure, to look at another direction. You know, May we have to have the preliminary figures on the anticipated increases for next year. I don't look for them to be pretty. We made a little money on the open choice plan, believe it or not. That was the loser last year with Anthem. This year it made money, and the HMO product lost money for them. Welborn hasn't provided me their year end figures yet. They keep telling me any day. I have preliminary indication that we ran in the black a little bit with them this year. So, you know, that can't hurt. We will, on utilization reports, we will send, you know it's going to take a quarter, or so, to get this, to get it rolling, and to see some measurable results. Hopefully, plan design change for the first of the year is going to be the big savings from it.

Commissioner Mourdock: Okay.

Dennis Woehler: And educating people on how those plan designs will not have an adverse effect on them.

Commissioner Mourdock: Well, I won't be here at the first meeting of next year, so you be sure to have a good report, and have a lot of savings.

Dennis Woehler: I'll mail you a letter. I have a second order of business here from Anthem. The preliminary figure, you have a refund agreement with them, and I have copies. This year the county is eligible for, and without my glasses, I think this is \$83,339.83 refund this year. It has been the custom in the past for the county to take that refund, as opposed to leaving it with them.

President Fanello: We'll take all the money we can get.

Dennis Woehler: I don't know how many copies of this you want. This is the account. So, I guess, I would ask for a motion in this case, again, for the county to accept the refund.

Commissioner Mourdock: Do you have the actual check with you?

Dennis Woehler: No. Actually, it hasn't been signed for yet.

Commissioner Mourdock: Okay.

Dennis Woehler: I have to bring it to the board here, and then you all have to agree to it, and then I have to have it signed off on, and get it back to Anthem.

Commissioner Mourdock: Well, I'll move then that we initiate the process to get our refund check in the sum of \$83,339.83.

Commissioner Mosby: I will second that.

President Fanello: So ordered. Thank you, Dennis.

Dennis Woehler: I'll have the documents prepared, and bring them by the office then.

President Fanello: Thanks.

**Dennis Feldhaus: ONB Insurance: Excess Earthquake Limits**

President Fanello: And now the other Dennis.

Dennis Feldhaus: Dennis Feldhaus, ONB Insurance. Representing the Property and Casualty side of the insurance portfolio. You will recall that I was before this committee and board on January the 28<sup>th</sup>–

Commissioner Mosby: That's what I was thinking.

Dennis Feldhaus: One Dennis brings you money, one Dennis asks for money, but on January the 28<sup>th</sup> I brought the Property and Casualty Renewal, and it was motioned and approved to accept. At that time, I relayed my concern about coverage changes that were different than the expiring policy. The largest of those concerns was the excess earthquake coverage for the property that Vanderburgh County owns. That limit is \$25 million presently, with a \$1 million underlying. So, we have \$26 million in coverage for \$116 million of property. As I stated in my letter dated February the 22<sup>nd</sup>, subsequent to that January the 28<sup>th</sup> proposal, I have been able to obtain two additional layers of coverage at different levels of pricing. The second layer would be an additional \$25 million over and above the \$25 million excess that we have presently, basically, doubling your earthquake coverage. \$50 million is much better than \$25 million when you're looking at \$116 million exposure. More importantly, what the \$50 million does for the county is it guarantees that we have at least, at any one location, we have adequate earthquake coverage. Specifically for those larger property values, such as the Centre. At present we are under insured on that facility. So, as my letter dated, again, the 22<sup>nd</sup> of February, it

would be my strong recommendation to the Commissioners this evening to agree to purchase, at a minimum, the first \$25 million layer at a cost of \$57,500. We can discuss a third layer of \$20 million for an additional \$23,000, but let's do one layer at a time. That's what I'm asking the Commission to do this evening is to approve the motion on that.

President Fanello: There went our \$83,000.

Commissioner Mosby: That's what I was getting ready to say. Did you know how much he was getting back?

Dennis Feldhaus: Pardon?

Commissioner Mosby: Did you know how much he was getting back?

Dennis Feldhaus: (Inaudible. Talking over each other.)

Commissioner Mosby: You just took my \$80,000 right out the door. I thought maybe you two planned against us for...no.

Dennis Woehler: I just picked that information up today. He didn't (Inaudible. Not at mike.)

Commissioner Mourdock: It's almost suspicious, when you add that second layer of coverage for the \$23,000, it comes out to \$80,500. Not just the \$57,000.

Dennis Feldhaus: To that I can only add, that one company is Anthem, and one company is Royal Insurance. So, two different carriers, two different products, but it is ironic.

Commissioner Mosby: And they own the company that provides the health insurance, right? I figured that out when you (Inaudible). Here we'll get it back on this side for you. I would make a motion on the first layer, I guess, or the second layer for \$57,500—

Commissioner Mourdock: That's the first.

Commissioner Mosby: Well, according to this it's, I guess, I'm—

Dennis Feldhaus: We currently have one layer.

Commissioner Mosby: We have one layer, this would be the second.

Dennis Feldhaus: It's the first in the proposal this evening.

Commissioner Mosby: Anyhow, I would make a motion that we go ahead and buy another layer of insurance at \$57,500 as a back up. We've only got \$25 million on the Centre, and we owe \$40 million on it. So, we're not going to come out very well if something happens over there. I don't think we can put this county at that type of risk.

Commissioner Mourdock: That is a question I have. With the Centre, specifically, you said that you consider us under insured there. Does this additional layer, at the \$57,500 premium, are we still under insured, in your opinion at the Centre?

Dennis Feldhaus: The Centre, currently, the statement of values is currently at \$42 million and some change on the Centre. This would give you a total of \$51 million of quake coverage for all county property. So, your question is are we under insured at the Centre? If quake only caused damage at the Centre, no. If quake caused damage at every county property, yes. When you look at...the up side is that the county property is kind of spread out. Your high value one's are, basically, the Coliseum, the Old Courthouse, which, and then the Centre. So, I don't want to get into the market value or the property value of the Courthouse, because that in and of itself is an issue. Those three large properties are in the downtown area.

President Fanello: I have a motion on the floor.

Commissioner Mourdock: Yeah, I'll go ahead and second.

President Fanello: Okay. So ordered. Thank you, Dennis.

Madelyn Grayson: May we make a tape change please?

**(Tape Changed)**

Commissioner Mosby: Okay, I have asked for Mr. Feldhaus to come back up. How long, just say per say that we do not deal with the \$20 million at \$23,000 tonight. How long do we have to accept that? Is that offer good?

Dennis Feldhaus: That is a 30 day quote.

Commissioner Mosby: That is a 30 day offer.

Dennis Feldhaus: It's February 22<sup>nd</sup>.

Commissioner Mosby: It was quoted on, so we have till March?

Dennis Feldhaus: March 22<sup>nd</sup>.

Commissioner Mosby: That was my question, and I just wondered if we decided not to deal with it tonight and think about it.

Dennis Feldhaus: I think the third layer, probably the pricing on that, even if we get beyond March will not change a whole lot. Insurance companies get it up front so, I think that 30 day would be okay even if we go beyond March 22<sup>nd</sup>, but I can't guarantee that.

Commissioner Mourdock: On the other hand, the actuary will say that you are that much closer to the big one.

Commissioner Mosby: Thank you, we will have Tammy contact you.

President Fanello: Clifford Thomas.

**Clifford Thomas - Request Approval of Contract with Open Software Solutions, Inc.**

Clifford Thomas: My name is Clifford Thomas. I work in the Computer Services Department. I am currently assigned the task of project manager for project 42-00, the Public Safety Client Server Project. Today, I would like to present the agreements and contract regarding this project. These documents represent the negotiation of project scope and costs between the County, City and respective vendors. The scope of the proposed contract is to replace the software for jail management, fire management, police and sheriff records management and computer aided dispatch, mobile messaging and a new mapping application. The associated hardware required to house these applications will also be replaced. The project scope also addresses installation services, professional services, training and an acceptance test plan. This change directly affects the Vanderburgh County Sheriff's office, the joint Dispatch Center, the Evansville Fire Department and the Evansville Police Department. This change will also affect other departments and offices that access published safety data. The total cost for this project is \$1,844,334.44. Of the total cost, the cost to the county is \$785,808.90. The cost to the city is \$1,058,525.54. The cost for this project is funded under the respective 2002 City-County budgets. On behalf of the public safety project team, I respectfully submit for your approval the Public Safety Client Server Project.

President Fanello: Do I have a motion?

Commissioner Mosby: Motion.

President Fanello: Is that a motion to approve?

Commissioner Mosby: Yes, it's to approve. Motion to approve.

President Fanello: Thank you.

Commissioner Mourdock: What is the status from the City side?

Clifford Thomas: We have approval from Board of Public Works, the Controller has given us a go ahead to move forward with the project.

Commissioner Mourdock: Second.

President Fanello: Just for the record, it is all in the Sheriff's budget, right?

Unidentified: No.

President Fanello: It is not all in the Sheriff's budget? But it is all budgeted?

Unidentified: Yes.

President Fanello: So ordered.

Clifford Thomas: Thank you.

President Fanello: Morley and Associates.

Jim Morley: Good evening, I am Jim Morley and Ben Kunkel. The plans and technical specifications for the O'Day Discovery Lodge are ready for the project to be bid. At this point in time, it's necessary for the Commissioners to determine if you are ready to go ahead with the project. If you are ready to go ahead with the project, we need to set advertisement and bid opening dates for the contract. I assume that you would want your attorney to view the front end documents for their completeness prior to distributing those to bidders. I would be happy to have any questions you have about the project. If you, I probably, although we have documents, we could insert the dates and run an advertisement as early as this Friday, I don't think that would be enough time for Philip to have time to review them. So our suggestion would be, and it kind of fits your overall schedule here, if that would work, you would run the first advertisement next Friday on March 15<sup>th</sup>, and then we could receive bids on the project on April the 22<sup>nd</sup>. That would give us about a month to bid the project. There are some certain things that would take a little while since they, you know, the log, the wood portions of it are, will take a while to pull a bid together. So, we are ready, if you are ready, and we can't fill out the front end documents until you give us the numbers.

President Fanello: Questions?

Commissioner Mourdock: No, I will go ahead and move that we direct the County Attorney to work with Morley and Associates for the purpose of putting together the specifications for the bid and to advertise the bid for the Discovery Lodge on Friday, March 15<sup>th</sup> with the response date of April 22<sup>nd</sup>.

Jim Morley: April 22<sup>nd</sup>.

David Mosby: Second.

President Fanello: So ordered, thank you.

Jim Morley: Thank you.

President Fanello: Sheriff.

<b>Sheriff Brad Ellsworth - Additional Telephone Equipment</b>
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Brad Ellsworth: Sheriff Brad Ellsworth.

President Fanello: The Sheriff has submitted a letter about possible additional audio recording equipment, I think.

Brad Ellsworth: Let me explain that, please. What I have asked to do is, for many years now in the County jail, and this has been an ongoing problem, that we get calls, be it a 24 hour a day 7 day a week operation, we get some pretty strange phone calls throughout the day at the jail. That is probably not the most critical, a lot of critical information as it pertains to inmates, their health, coming from family in regards to their suicidal tendencies, bomb threats, death threats, lots of threats come into the jail around the clock. We also take a lot of information in regard to inmates being released over the phone from other offices and such. So, very critical information comes to the main office of the jail. Going back to those threats, a lot of times that generates then to my office, complaints the next day that the employees

were rude or insulant or hung up on them. I have experienced this after years, I can tell you that I took calls that they deserved to be hung up on or talked backed to and hard to take. What I am proposing here is that I would like to purchase the initial equipment out of the Commissary Account to record, I believe it was seven or eight lines or phones coming into the jail. What I would ask the Commissioners to do, because of the ongoing cost, is to pick up the cost of the, and I think it was \$11,000, Eric? \$11,000?

Eric Williams: Approximately.

Brad Ellsworth: Approximately \$11,000 for the initial equipment purchase and I would ask that the Commission for the ongoing price, in addition to the phone charges, I think it was \$1,100 a month, a \$1,000 a month, if I remember correctly, A year? I'm sorry a year. A year, that's a little more palatable. It would solve a whole lot of man hour problems. A whole lot of problems and could possibly lead to the prosecution in cases if some of these threats and/or problems are recorded and actually turn into something.

Commissioner Mourdock: Yeah, let me be the civil libertarian here and also try to protect us a little bit from being sued. Phil, do we have any concerns or should we have any concerns with tape recording of these phone calls? Would all calls be taped?

Brad Ellsworth: Anything coming, I believe, and I will let Phil answer this, but, as long as one party knows that they are being recorded, it's okay to record a phone call. Our office, our personnel certainly would know that, and I believe that makes it legal. You can already record phone calls in and out of jail cells. I am not talking about in the cells themselves, although that's legal.

Commissioner Mourdock: Okay, well I don't know, I mean you are telling me something I don't know.

Brad Ellsworth: Right.

Commissioner Mourdock: I understand and when it was presented to us in the packet here as a quality control issue and I certainly don't have any problem there. If someone calls in and they are talking to a county employee, how does it work? Are we going to make those people aware that they are being tape recorded?

Brad Ellsworth: Not necessarily. You don't have to as long as , as long as one person on that phone knows that line is recorded, then you are within the law. It's no different than if I am working a case and I make a phone call from a phone booth trying to set up a drug deal. As long as I am on the phone, and I know I am being recorded, that's fine. The other person does not have to know. I wouldn't mind telling them that, that certainly doesn't, that might-

Commissioner Mourdock: Yes, occasionally you call somewhere as they put you on hold, this call may be monitored for quality control purposes or something like that. That is not part of what you are looking to do, to have that part of the system?

Brad Ellsworth: I don't know if Van Ausdall built that into the system on the digital recorder.

Commissioner Mourdock: Okay, and are we talking about taping the calls that if someone calls in, does it work this way? They call in and they are speaking to someone on your staff and then eventually their staff connects them to a phone inside the jail?

Brad Ellsworth: No.

Commissioner Mourdock: Okay.

Brad Ellsworth: These are more phone calls between the office, the office staff and people that receive calls into the jail and/or any outgoing calls that my staff would make.

Commissioner Mourdock: Okay and would there be any, or is there currently any routine now where the calls from the jail aren't going through here? Through your office? Are there any recordings being done now?

Brad Ellsworth: No.

Commissioner Mourdock: Okay.

Phil Hayes: Excuse me, do City Police continue to record phone traffic, to your knowledge?

Brad Ellsworth: At Dispatch Center?

Phil Hayes: And within the various offices, similar to the traffic that you are discussing, calls into the various divisions.

Brad Ellsworth: I am not sure.

Phil Hayes: The last information I had, was that they were recorded. You are speaking about the announcements that are made that the calls are originating from the Sheriff's administrative department may be recorded. Do you intend to make an announcement?

Brad Ellsworth: Not necessarily. I don't believe, by law, that it's necessary. Like I said, Dispatch has recorded, every phone call that comes into Central Dispatch Center is recorded, and it's never said, when they are on hold or whatever.

Phil Hayes: Right.

Brad Ellsworth: It doesn't say this call may be or is being recorded. It's not necessary. As long as one person on one end knows that it is.

Phil Hayes: I think that he's accurate stating what the law is as far as the Federal Communications Act, which is the governing law on telephony. But, with record to announcements, I think they are made routinely from institutions that are using the, the institutional telephone connections out for inmates for example, those are announced—

Brad Ellsworth: Right.

Phil Hayes: that they are originating from a correctional facility or from a jail facility and I am not, I can't remember whether our facility does that or not?

Brad Ellsworth: No, no they don't. That is in the capabilities with Ameritech on that but we don't have that package on our cell system. We may wish to down the road.

Phil Hayes: Well, I can look at the Privacy Act implications of it, the recent amendments to the Privacy Act that may or may not affect it, I don't think so. I think the Sheriff's discussion is correct, but I can't cite you, off hand, the chapter and page on it.

Brad Ellsworth: I can't either. I just worked enough dope cases to know that they do it in a lot of jails.

Commissioner Mosby: I make a motion to approve this pending his review of the legal aspect.

Commissioner Mourdock: Okay, I will go ahead and second that. As I said before, I like the idea of quality control. I think it's good to know how your folks are dealing with the folks out there. I just want to make sure that we don't put ourselves in some legal situation. It doesn't sound like it.

Brad Ellsworth: I am very confident it won't, but I would be glad to know. I appreciate it, you know pending that, his opinion.

President Fanello: So ordered.

Brad Ellsworth: Thank you.

<b>Travel Ordinance</b>
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President Fanello: Thank you, Sheriff. The next item is the travel ordinance with which I think you have received a copy of the amendments to the original ordinance. So, what I will do is put that on the agenda for next week for permission to advertise after you have had a chance to review it.

Commissioner Mourdock: Okay.

President Fanello: I just got it a little while ago so I haven't had a chance to review it. Next item, Phil Hayes, second reading of ordinance to establish Old Courthouse Advisory Board.

<b>Second Reading of Ordinance to Establish Old Courthouse Advisory Board</b>
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Phil Hayes: Yes, the ordinance amends, or excuse me, it's a new set up for the Old Courthouse Management Advisory Board. It amends Chapter Two of the Vanderburgh County Code. I have discussed just a couple of technical amendments to that and, Tammy, do you want to go ahead and outline those for the Commissioners?

Tammy McKinney: The ordinance that was in the packet has been revised, that Phil and I did this afternoon. If you want to look at the second page, it would be "B" and

I handed that, the amended one out before the meeting and it says that members shall be appointed for and serve their respective terms at the discretion of the respective appointing authority and they shall serve without compensation for the duration of the advisory board as provided herein. That was amended and also the date change, on the last page we changed that to March, because it did say February.

President Fanello: Are there any questions?

Madelyn Grayson: I just had a question, is that different than what we advertised?

Tammy McKinney: Yes. Yes, these are changes that Phil and I made this afternoon.

Phil Hayes: Only in terms of, it's only in terms of form and not substantive. The matter of reorganizing item "B" of, excuse me, section 2.78.030, the appointment of members was for clarification of the language, and it's my opinion that does not require re-advertising on, it can be approved on second reading with that technical amendment since it doesn't change the substance of it.

Madelyn Grayson: So, it does not require re-advertising?

Phil Hayes: It does not require re-advertising.

Madelyn Grayson: Thank you.

Phil Hayes: I think Suzanne is, you're nodding your head, is that okay? Does that mean you think so too? Why don't you go ahead and get in this?

Suzanne Crouch: Whatever you think, Counselor.

Phil Hayes: No, thank you.

Commissioner Mosby: I will make a motion to approve the Old Courthouse Advisory Board ordinance.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: Again, it is an ordinance, so we need a-

President Fanello: We need a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

<b>Jail - Site Selection</b>
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President Fanello: Next item is site selection discussion and I believe that Commissioner Mourdock had some questions that he was going to try and get answered, were you able to do that?

Commissioner Mourdock: I did. I sent off a number of questions to Paul Summers. I got back some answers, in fact, I got these late this afternoon. So, he and I are going to continue to bat some of these around, I think. I, how shall I say this, the areas that we have talked about in this setting, at this point, have been, the Old not the Old Courthouse, the back 40 and the courts parking lot. I still think, and I am going to continue to talk to Mr. Summers about this, I know he put in the brief letter that we had last week that he thought that if anything went to the Old Court, or to the courts parking lot, that it would require eight stories. He has come back now to tell me that is not quite correct. That he thinks it could be something less than that. So, I want to continue to look at that as a possibility. I don't know, I don't think, re-judging on what I read in the newspaper tonight, that we are ready to make any fast and hard decision this evening. I just want to make sure that we keep our options open. I will make the comment regarding a couple of the other sites that were listed out there. I still have great concerns about transportation and you know I think it is good that we had the discussion last week, that we are having this week. That this is how we are going to move through this thing. I'm remaining flexible with it. I just want to understand why one site fits, and why another one doesn't, and that we get the most bang for our buck. I guess, I am just kind of reticent, at this point, that I just don't see a lot of, if you do this it will cost you "x" number of dollars, if you do this it will cost number "y". I realize that you can't have three decimal points at this point, after those numbers, but I do think that we need more information.

President Fanello: Commissioner Mosby, do you have anything to add?

Commissioner Mourdock: Or Mr. Back 40 as he is known now.

President Fanello: Yes, Mr. Back 40.

Commissioner Mosby: I was going to say that I just made up my mind a minute ago. No, I am still going to stick by my first selection and, I guess, my last selection is the back 40 as referred to as the back 40. I guess, my biggest concern is, and there are several factors that play into this. I have always maintained that we need a parking garage downtown on the lot that we acquired from the senior citizens center not too long ago, and, I guess, we are one of the only counties I know that would build a \$42 million Centre and not build one parking spot to go with it. So, in that term, I mean, it is still a needed facility regardless if we put the jail on the back 40 or not. The back 40 does not have any transportation problems that go with it. The jail already sits right here today where we are all sitting. I don't think that by moving it back there, which is half a block away, that we affect any citizens in this community. The minute you take it off of that back 40 you start dealing with the citizens of this community, and I don't think that if we've got the ample space to correct the problem right here and now in downtown, then I don't see any need to move from here and go out into the community and tell somebody that we need to put this in their back yard. So, I am going to stay with the back 40 even if it requires a parking garage, because the parking garage is needed regardless of what we do. I don't see us having to go out, or need to go out and pay for land when we have no more than \$35 million to work with anyhow. I think that we've got to take part of that \$35 million and buy property with it. So, we got the property, I would even go as far as to say we use the Judge's parking lot and the back 40 if we have to. I had a conversation with the Mayor on Friday, I had conversation with him this afternoon about vacating this street back

here. This street really does not serve any business or building outside of this Civic Center parking lot, which will give us more property to bring the jail right up to the courts building, and if we have to, swing it around into the Judge's parking lot and utilize every bit of area that we've got. Take out the least amount of parking spots available. Maybe we don't have to build a 500 garage, car garage. I mean we might cut it down to 300, and save as many parking spots as possible, but I will maintain that we stay on the back 40 and not go out and disrupt the community in any way.

Commissioner Mourdock: Can, excuse me can I jump in, Catherine or David can you give me more, when you say that we may in fact use part of the Court's parking lot and swing it around, have you had any discussions with United at this point conceptually what that means?

Commissioner Mosby: No, I would just like to tell them that, that is there. This parking lot's here if we can vacate the street, you know this is here and possibly the little maintenance shed that belongs to the Building Authority back there. You know, possibly use it and move it somewhere else, but what I am saying is we could bring all of that land into one parcel by vacating the street.

Commissioner Mourdock: Okay, well we are making progress. One of the things that struck me in the response that I got from Mr. Summers is that they have not been involved in discussions about converting the current jail space or using the current space into any other part of this. If, again, we do keep the facility here at one of these two locations, it seems to me that remains something that we need to get them involved with in some way. I am certainly not looking to ante up their fee, but it seems to me that ought to be part of what they provide to us, is part of that present utilization, because, I think, what we have their presently still could have some role to play. I think, Catherine, that you suggested at one point, or, David, one of you about juvenile. I am open to discussion along those lines, and I think they need to have part of that too. They meaning United.

Commissioner Mosby: And I have said it at the Council meeting on a couple of different occasions that it would be my scenario, I guess, once we do have the jail up and operating, and we move out of the present facility, that the juvenile according to the estimates that we had was 19,500 square feet. We have approximately 38 or 35,800 square feet in the old jail. Judge Niemeier is hurting for space badly and probate, and it would be my scenario to move juvenile detention, Judge Neimeier and probate all into the old jail, which that was a plan that Mr. Utley had before he left, to take Judge Niemeiers 3,210 square feet that he presently occupies and turn that into two more court rooms to start moving cases through. So, we could end up with the court space that we need, plus the juvenile and Judge Niemeier's needs all in one.

Commissioner Mourdock: I guess, in my questioning to United, that while I didn't get an answer, nor did I really expect to for every one of the questions that I wrote to them. The one thing that did puzzle me a bit, I had asked them at one point, how they saw the allocation of square footage? How much for maximum detention? How much for men? How much for women, etc.? They said that they weren't going to provide that information because they hadn't spoken to either of you about it. I would just add a request that you put word to them that all three of us are Commissioners here, and I don't care who gets it first, we are all going to see it, we are all going to kick it around. If we are going to talk about this openly, then they need to deal with all three of us openly, because, again, how they use, how we use that space in the present jail, seems to me will impact dramatically what we have in

square footage available in whatever the new facility is, and that's again what we need to balance off bucks. I haven't yet totally written off the idea that maybe we need less maximum security in the new facility if we use some of it that we already have got in the old. That's kind of going counter to what you were saying, David, but I am still looking at a lot of possibilities, and we need some cost estimates.

Commissioner Mosby: I haven't really discussed a lot of this juvenile and stuff with the consulting firm, because I was just praying that we've got enough money to build a jail sometime, and that finally happened. So, I mean, I am not going to put the cart before the horse here. I will relay a message to United. I didn't know if you had ever gotten a hold of them. I had talked to them Friday, and they hadn't talked to you.

Commissioner Mourdock: Well, they sent me an e-mail on Friday, or Tammy or Patty or one of them sent me the e-mail on Friday which I got, and I responded to them over the weekend and got the response this morning.

Commissioner Mosby: Well, they hadn't talked to you as of Friday, so I wasn't sure that they had gotten a hold of them.

President Fanello: I think we can relay that message that they need to communicate with all of us. I certainly don't condone not communicating with each one of us. I think we are making progress here, and, I think, I guess, I would like to get everyone's, both of your feelings, tonight on how soon you think we can come to a resolution on this issue? I mean, we need to keep on track. We need to-

Commissioner Mourdock: We do. You know, we are making progress here, and I am hesitant to say that we need to have it done by a certain date, because I don't know that we can do that. Because, again, we have to have this give and take with them. Getting some information as to, well the point I made earlier, about asking how much the square footage is going to be. Because that, I think, can directly impact what the footprint of the building is going to be, which means where it is going to be as well. So, I don't want to put a date, I mean I will keep talking to them and keep throwing questions at them.

President Fanello: I guess, that I would like to know, are we, with all of these comments being made from you and Commissioner Mosby, are we pretty much set on finding a solution out here?

Commissioner Mourdock: I agree with what David said. I think if we are going to work within \$35 million, the night that decision or the day that decision was made I think we pretty much eliminated ourselves to the court's parking lot, or I am not going to call it the back 40 anymore, it's the back 13.8. It isn't nearly as big as the 40 acres that we used to think were there, but with \$35 million, it is going to have to be.

President Fanello: I appreciate that comment, because I think if that is the case, you know, there is another component of this and that would be a site survey done by Bernardin Lochmueller, who is on staff there, and at some point in time we need to direct them to do that. I don't know if we might want to go ahead and do that, and, you know, they can go ahead and identify any problems that maybe we are not aware of.

Commissioner Mourdock: That was one of the questions that I had put to them as well. If they had started anything given the interest in the back 13, and I would agree. I think that is a good thing to do. I have heard rumors in the past of all kinds

of things out there underneath the asphalt. Who knows what is out there. You hear those everywhere, but we do need to do some geo-technical and begin that process. So—

President Fanello: Would you be willing to make a motion tonight to that effect? Then we can go ahead and direct them to do that.

Commissioner Mosby: I will make a motion to direct them to start the site survey on the back 40-

President Fanello: And?

Commissioner Mourdock: In the interest of keeping our options open, and as you said, David, with the possibility of the court's parking lot being used, I think when they are going to do it right here all at one time, they may as well do something about it.

Commissioner Mosby: That's fine, I guess, I included that in my scenario awhile ago, so yes, I will include the judge's parking lot and the back 40, or the court's parking lot and the back 13.8, whichever way you want it worded.

Commissioner Mourdock: I will second that.

President Fanello: I will say so ordered, and we can get in touch with them tomorrow to let them know to proceed with that. Just to let you know, I met with the Mayor at 4:30, and we were talking about the parking garage issue, and he is not closed minded to anything. He said he is keeping all options open. So, he wants to work with us in any way that he can. Those were his exact words.

Commissioner Mosby: I missed Commissioner Mourdock, what was your other concern awhile ago that you said? You weren't really ready to narrow it down to a site, what was your concern?

Commissioner Mourdock: I don't know, David, I think we dealt with all, I know what I was going to say. I started to say what I read in the paper suggested that there were more sites here than what we have talked about here and since we hadn't spoken of anything here other than those two sites, I wasn't going to bring up everything that was in the paper. So, that's was my concern, that there seemed to be other sites out there that I don't think were practical, because of the \$35 million limit.

President Fanello: I agree.

Commissioner Mosby: Okay, and I guess the other part of that, the reason I asked you that, in conversation with the Mayor on Friday, and then in conversation with him this afternoon, he would as soon as possible, if our consultants can get it to us, not a drawing but just a rough idea of how we would position this facility and he said that would help him in determining some things.

Commissioner Mourdock: I think we all need that desperately.

Commissioner Mosby: Well, I just wanted to be sure that it was okay with you that we talk to Paul Craig, and possibly try to get them to give us something to the effect of how this would be configured.

Commissioner Mourdock: Right, which is where, how those, how the square footage is allocated to various components becomes very important. So all of those things come together.

Commissioner Mosby: Do I need to make a motion on that?

Commissioner Mourdock: I don't think so.

President Fanello: It's part of their services.

Commissioner Mourdock: Again, I don't want to be the pessimist here, but it's conceivable that when they do the geo-technical work there may be a reason that we have to go to another site. If that happens, then it's a whole new ball game.

Commissioner Mosby: That's a whole new ball game.

President Fanello: One more thing that I wanted to bring up, because I am going to try to meet with them next week. The building program, I don't know, have you had an opportunity to review that in entirety?

Commissioner Mourdock: A long time ago.

President Fanello: I didn't know if you had any comments that you wanted to put into that? I think that we need to sign off on that. I think they are looking for us to sign off on that program at some point in time.

Commissioner Mourdock: How can we sign off on that? That program was put together, somewhat it is componentized between when they set out with the mission of doing the jail, plus community corrections, plus juvenile. So, as we have given them some direction now, the last motion that we had here several weeks ago was to get them pointed in the idea of a 484 bed minimum facility to make sure that it would fit onto one of these two properties.

President Fanello: Well, I didn't know if there was any comments you had or any specific concerns you had with the building program?

Commissioner Mourdock: The only concerns that I would have is that they have to take that part of the jail and fit the 484 bed scenario to try to do it here.

President Fanello: Okay, I didn't know if there were any other. Alright.

Commissioner Mosby: I don't think that's a problem, I think it's just four pods instead of five.

President Fanello: Okay, I think that concludes that discussion at this point and we will put it back on the agenda for, well, the site selection, are there any individuals who would like to comment on the site selection?

(Inaudible too many people talking at once)

Commissioner Mourdock: You just need to come forward and state your name sir.

Robert Goff: As I said, my name is Robert Goff, I think I have been up here a time or two but never very often. I would like to address the jail site, the selection of the

jail site. General concerns that I have is how will the present jail site be used after the new jail is built? I think that David mentioned this evening that it might go to a juvenile detention facility, but in any event, I assume from your comment that it will be used for something.

Commissioner Mosby: Yes, what I was referring to right now, we are so cramped for space over in the courthouse and Judge Niemeier is actually working out of about 3,210 square feet. Judge Niemeier would like to have somewhere around 5,000 square feet. I mean, if you go over there his people are just sitting in little 6' X 6' areas. My proposal would be, what we have seen from the consultants, that we take and move juvenile into the old jail, which would take about 19,000 square feet and Judge Niemeier needs around 6,000 which would be 25,000. We will have about 10,000 that the Mayor had expressed interest in, that the Police Department would like to move into. That also gets me freed up 3,210 square feet which we have a building and Mr. Utleys office had a proposal to turn that into two more court rooms, to start moving more cases through everyday, because they are cramped for court space.

Robert Goff: How can we use the Old Courthouse? How can we utilize the Old Courthouse in this courtroom scenario? I don't believe that the public will agree not to maintain the Courthouse. I think that is a forgone conclusion that the Courthouse will remain over there. Well, unfortunately for you folks, it is your problem, but how can you use it?

Commissioner Mosby: There has been a couple of the Judges that have went over there and the acoustics is so bad in the Old Courthouse that they have actually tried to record conversations and it comes out nothing but mumbo, jumbo. I mean, they couldn't understand. It was a very, unless at some point in time down the road when we decide to take on the renovation of the Old Courthouse, I would say in phases, after we get a roof on it and windows in it, we would have to look at that. If we wanted to leave them in tact for courtrooms, we would have to look at the acoustics end of it to see if there was some way we could fix it, but right now it is almost impossible.

Robert Goff: I was looking, I was concerned too about the new jail as to how the public would be able to arrive, or contact, or come to the new jail? From what I hear you saying tonight, the outlying sites are pretty well gone, and so therefore public transportation would more or less be available to the new jail. That to me is a concern that I am sure the public has. I would like to see the construction of a new jail contribute to the revitalization of downtown Evansville. To that aspect, the site selection that I am wondering if it would be at all possible, is two blocks of mostly vacant land lying between the present jail and the Old Courthouse adjacent to the City of Evansville parking garage, out on Sycamore Street between Fifth and Sixth. This two blocks of ground is across the street from the present Post, Federal Building, and between the Federal Building and the YMCA. There are two blocks there that's not all vacant, but a good part of it is vacant. I believe, that this site would have the following advantage over an outlying area, in the fact that it wouldn't increase urban sprawl, and the possibility of using the Courthouse, but you have mentioned that. This location certainly would keep traffic and government functions downtown. Now, the back 40, as you call it, tends to keep it there, but over on the other side, would put it possibly more in the downtown area, and there is quite a bit of effort made to revitalize the downtown area, and anything that you as Commissioners can do to keep everything from growing out in the county and causing more problems for you, keep it down here and let the city handle it.

President Fanello: I like that idea.

Commissioner Mosby: I am trying to help them with a parking garage.

Robert Goff: And did you mention about high rise construction?

Commissioner Mourdock: Yes.

Robert Goff: Is high rise construction more expensive or less expense that one or two story buildings?

Commissioner Mourdock: Well, the consensus seem to be among the architects that were here, that as you go higher your costs go higher as well, which flies in the fact of everything I have heard of much construction, but we had two architects in here telling us that. My comment tonight about it was that one of the architects told us that in a previous presentation that if we went to the court's parking lot, we would have to have this eight story tall building to get what we need, but now he seems to be thinking that is not quite required, and it would be something less than that.

Robert Goff: Well, if it went across from the Old Court, the Federal Building to the "Y" there is more space there than in the parking lot, isn't it?

Commissioner Mourdock: I don't know, could be.

Robert Goff: And in closing I would like to ask one question, has this site that I have described been considered at all?

Commissioner Mourdock: The previous Commission considered that site at one time, with some thought as to going in that direction, but basically in doing some checking in what the property value would be there, decided to not make that investment until we were further down the road with our plans.

Robert Goff: In other words, the site that I am proposing then seems to be rather expensive?

Commissioner Mourdock: Right.

Robert Goff: Even though it is vacant, more or less vacant ground?

Commissioner Mourdock: Yeah, we did have some negotiations over that way? Yes we did, back in 2000.

Robert Goff: So, that location, as far as you are concerned, doesn't even have any possibility of flying?

Commissioner Mourdock: Well, I think we have got a pretty wide open mind here as far as what we are doing, because Council has put our budget at \$35 million and that's hair, guts and feathers. That is everything including the land, that we need to do something on land we already have, which commits us to the back 13 or the court's parking lot. If in fact, we mentioned, if the geo-technical reports come back, and for some reason tell us that neither of those spots is suitable, then as David said, it is a whole new ball game, and we start looking at lots again, and certainly would.

Robert Goff: If you are forced to look at a different lot, please look at that.

Commissioner Mourdock: I will add one other comment you suggested about the Old Courthouse. There are at least ten old class courthouses in Indiana that used to be the primary function of County Government, that the County moved out of and now they have restored solely for the courts, and all they are used for is a courts building. Fort Wayne is a classic example, and I don't know that it's going to happen in the near future, but I will predict right here that someday it is going to happen here because the only thing that building is really suited for is for a government building and courts make the most use of that or should.

Robert Goff: Thank you for listening.

President Fanello: Thank you very much for your information.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

<b>Any Group or Individual Wishing to Address the Board</b>
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Commissioner Mosby: You're going to come up and tell us that that's the whole enchilada, right? That's the way it was referred to—

Phil Hoy: Talk about the feathers and—

President Fanello: Guts, and whatever. I guess, any other group or individual wishing to address the board, we have Councilman Hoy.

Phil Hoy: Thank you, I'm Phil Hoy from the County Council. One of the persons who said you've got to deal with, what was it, feathers, and—

Commissioner Mourdock: Never mind.

Phil Hoy: Feathers and never mind. I really appreciate the discussion you've had tonight. The open discussion. My suggestions really aren't a whole lot different. I would like to see consideration given to putting the Safe House in the old jail. I know that the objections to that are, well, you're going to have a lot of in and out traffic, but I don't see as many homes, you know, around this area, as I do around the site on the north side now, where the current Safe House is, where I've heard a lot of complaints by people who would like to see it moved. So, I would just like to throw that out for consideration, using that for the Safe House. Then I like the idea of using, as you had mentioned using, perhaps, the parking lot out here. I would be glad to park someplace else. I'm assigned a spot out there. Perhaps going, you know, across the street. That sounds good. If there's not enough money, and there may not be, because we tend to focus on the jail, and I know we have to. We are mandated to do that. We don't really have a choice. I think we are really mandated to do something about the Safe House, because the building is so bad, and we all know that. I hope that the juvenile facility is not left out of the equation. I'm not pushing for the Rescue Mission to do that, but if push comes to shove financially, and if that's what the architects come up with, I would give that

consideration. I've talked with them. I've also talked with Judge Niemeier, that would be his second preference. His first preference is for the county to run it. He also gave me permission to say that in a public forum, and I appreciate his doing that. Those are the concerns that I have. In terms of space in this building, and I don't want to get into this discussion tonight, Commissioner Mosby, you and I can talk about this later, but I still am very interested in seeing the Health Department move, which would give you 10,000 more square feet. There is no doubt that Judge Niemeier needs a lot more space. I spent some time with him, went into the courtroom and so on. I think we are moving, and I appreciate your work on this. This has not been easy. It may not be easy in the future. I'm mindful of what my ethics prof said, and I know you expected something from my profession, and I do not want to disappoint you. My ethics prof at the seminary said that, "It is out of the friction of friendly minds that you often come to the truth." Thank you.

Commissioner Mosby: Thank you.

President Fanello: Thank you, Councilman Hoy. Since Councilman Hoy brought up the Safe House, I will give you an update on my conversation with DOC, which I spoke with David Hurley this afternoon and Joe Fistrovich, and what they are setting up meetings over the next two weeks with a third party person to come down here and interview the Judges, and speak with the Sheriff and get some of their questions answered as they try to come to a conclusion on their commitment of funding. They expect that to happen over the next few weeks. The county will incur no cost in that evaluation. They will fund that. So, that is my latest update on that. They are trying...from the conversation with them to date, they are trying to move very, very fast. They said it's in everyone's best interest that they do that. So, they are on it, and we are making progress in that area.

Phil Hoy: Yes, and I apologize for forgetting to throw you a bouquet on that.

President Fanello: I don't need a bouquet.

Phil Hoy: That's serious.

President Fanello: Thank you.

Phil Hoy: Thank you and the Judges for doing that work. Finding out what the state has to offer. A lot of us felt they had something to offer, and you found it out. That's good.

President Fanello: Well, they are moving, so I was glad to have that conversation with them this afternoon. I also met with Judge Bowers and Judge Trockman this morning, and they are having a meeting with the Judges tomorrow, so they are making a lot of conversation, and trying to come to some consensus and everything. So, I think everyone is getting on the same page. So, that's good.

Robert Goff: Robert Goff, again, and I would like to extend a second bouquet—

President Fanello: Oh, well, thank you.

Robert Goff: —for your work on that. May I ask if the Builder's Square location would be a suitable place for a Safe House?

President Fanello: That I don't have the answer to.

Robert Goff: That might be something to look into.

President Fanello: Thank you. Are there any other questions? Any other individual or, Mr. Teeple.

Alan Teeple: Is it my turn?

President Fanello: Yes.

Alan Teeple: Alan Teeple, Computer Services. I guess I felt compelled to come up and at least give the Commissioners a chance to, since my name was dropped at least three times or four times in a previous agenda item, to bring up any questions in my direction, or any clarification that I can give. I am not a politician, nor am I a public speaker.

President Fanello: Thank goodness.

Alan Teeple: As stated in the IT Board, I'm a propeller head. I am IT, but would like to answer any questions that you might have that brought in the previous agenda item, or some direction that you want me to take based on the discussion that you had.

Commissioner Mosby: I guess, I'll throw one wide open out there for you. I mean, in listening to Ms. Musgrave, when she was in here earlier, it didn't sound like she had many kind words for, I say, SCT. Can you recall any time when, I mean, you have not been able to fulfill her needs, or been able to deal with her problems? I mean, I'll just leave it wide open out there for you.

Alan Teeple: Well, that's certainly wide open. You know that I've been here six months. I think that we've put some processes and methodologies in place since I've taken over the first part of September. I thought that the relationship, or at least I was warned of the relationship that the GIS community had with Computer Services before I took this position. I have not seen that. I've felt like Cheryl and I have worked through, or the County Assessor and the Assessor community as a whole, have worked through any issues that they've come up with, any crises that they have perceived. Maybe not in as timely manner as they wanted, and I would agree to that, certainly, that was our discussion when I was before you, before the amendment, is that the size of this environment has grown in leaps and bounds, but the staff hasn't. The expectations that the elected officials have, in this building, is an immediate response, on every one is a number one priority. I guess, I am glad that I've got a Data Board, a Mayor, and Commissioners that I answer to, to help set those priorities for Computer Services. Does that help some of that?

Commissioner Mosby: That answers part...let me ask you this then. Do you see, with, and I guess, you're familiar with what she's bought?

Alan Teeple: Uh-huh.

Commissioner Mosby: Or what's she's getting and the Windows 2000? Do you see it being a big problem for you to service the needs?

Alan Teeple: Ooh.

Commissioner Mosby: During reassessment?

Alan Teeple: That's certainly an open ended question. Can I do it with the current staff that I have? Maybe not, based on the priorities that are going to be set on the projects that are getting ready to be prioritized that came out of the IT, Data Board. I was getting ready to use your term, IT Board. So, I mean, that possibility exists. I had Paul Hatfield send a message, and he's not here to defend himself, I was told he had surgery today, I don't know what on, but that he had some sort of surgery today. Don't put that in the record.

Commissioner Mourdock: It's in there now.

President Fanello: Too late.

Alan Teeple: Yeah, too late.

Commissioner Mourdock: It's on the Internet too.

Alan Teeple: His comment to me was is that he wanted an immediate solution to something that he had, or get out of the building. I mean, that was pretty much his statement. Solve my problem, solve it immediately, don't let it happen again, or get out of the building. I think that is, and although, I mean, that was the statement that he made, and all of you know that my first meeting with Paul Hatfield, he didn't know me from Adam, and blew me away. You know, pretty well singed my one side of the face. It is that type of perception that is out there, from the elected officials that they want an immediate response. The staff that I have is doing the job that they can, based on the priorities that have been set by the IT Board, by the Commissioners, and by the Mayor.

Commissioner Mosby: I mean, I'm not, I'm going to be the first to say, I'm not very sharp when it comes to computers, and I'll admit that. I'm not going to make any bones. Could we see everybody coming in here saying it would be beneficial to me if you'll just spend \$15,000 or \$20,000, and I'll have my own person on board?

Alan Teeple: Do I think that that's a possibility, sir? Yes.

Commissioner Mosby: I mean, once we—

Alan Teeple: Will you let them, is up to you and the Mayor, as to whether you let that happen. I am charged as Computer Services with the enterprise, both the security and the direction that you set for the enterprise. If we have other individuals or groups, and I mean third party consulting that are not working in the same direction, or appear to be working in the same direction, you no longer have an enterprise direction.

Commissioner Mosby: Well, I think you just got into my next question. I mean, what's going to happen when all of a sudden we have, I don't want to mention the guys name, so I'll say the person in the Assessor's office, all of a sudden we have him doing maintenance and programming or whatever, a problem becomes, and then they have to call you?

Alan Teeple: Yes.

Commissioner Mosby: Now where are we at?

Alan Teeple: True statement. The other statement on that is, and I'm sure that the Clerk may want to speak to that, is that we have a security issue. We have other organizations in this building that, third party organizations, that are having access to the network that are not coordinating their efforts with my office. Again, my department has been charged with the security and direction of the enterprise, based on your calls and the IT and the Mayor's direction.

President Fanello: I would like to build on what Commissioner Mosby just said there. I'm a little confused about Mrs. Musgrave's comments about not being a part of Computer Services, yet as you and I have discussed before, there has been quite a bit of dialogue that has gone back and forth between the Assessor's office about things that need to be done, or performed by Computer Services. So, I guess, if she doesn't feel like she's part of Computer Services, do you see my problem here? I don't understand where—

Alan Teeple: Well, you know at times I'm caught in the middle, Commissioner, is that we have a 1989 contract that we are currently working on. The amendment that you gave me, extending 12 months, gives the City and County the opportunity to go out and rebid, if they choose to. We've had two amendments since the 1989 one, it was 1992 and '96, and, again, all before my time, but '92 and '96 that just extended the contract. So, we are operating, I mean, things that were perceived in 1989, weren't in existence then that we are reacting to now. Like Windows 2000, or like GIS, or those are the two that immediately come to my mind. So, we're doing the best we can meeting those needs.

President Fanello: I guess my point is, that it's almost impossible not to be a part of Computer Services. When someone says I'm not part of Computer Services, that's not entirely accurate.

Alan Teeple: Well, I would think that anyone that touches the network is a part of your enterprise. It is at your decision and the Mayor's on whether they are not part of who I support. At least, until now, no one has told me, you know, you don't support this community, or you don't support that community. Quite honestly, it's been try to support everyone that you can with the staff that you have, and that's what we're doing.

President Fanello: I guess, I would ask these two Commissioners to seriously consider the security issues we have when we allow other people to come in and kind of do their own thing. We, as a Commission, obviously, are in charge of the Computer Services contract, and we need to be thinking in that global viewpoint, and we need to keep other office holders on track, you know, as we pay for these management fees, and things like this. We need to keep everyone working in the same direction. I think it's our responsibility, when we see people kind of going outside the chain of command, to kind of bring everything back together, because I don't want to risk those security issues, and messing up the network, somebody coming in and programming other stuff, and doing things that aren't coordinated through your office. So, I think that's part of our responsibility here.

Commissioner Mourdock: That is an eloquent statement. I don't disagree with it, but let me just say from Cheryl's point of view, she's not here, it was also the three Commissioners who jointly acted to go ahead and send her guy off on that first bit of education that we did. So, I think we've sent some mixed signals. Certainly, I appreciate Alan's comments, and as I said earlier when Cheryl was here, you know, I have a lot of respect for somebody who gets frustrated enough with the system, and this pre-dates your involvement, Alan, but gets frustrated enough with the system, and feels they have to find a way to move forward, and they try to do it that way. I mean, I'm not going to slap somebody's hands for trying to spin the wheel a little bit faster, but I do understand the security issues. Those are very valid points. I also understand that everyone has a number one priority, and they expect it to be your number one priority, Alan, that's a tough task master to try to deal with. I mean, computers are unique. It is something that allows us to all be totally independent, and yet we use them in a way that makes us more and more dependent on the system that's there. So, this problem isn't going to be solved in one conversation.

President Fanello: No, I agree, and not to belabor the point, but—

Commissioner Mourdock: But.

President Fanello:—but, you know, as my assessment over the past year, and I've had a lot of discussions with, you know, Computer Services, and especially with Alan, since he's been on board, but, you know, I see a lot of the problems being our own fault, as we've identified here. We place too many demands on Computer Services, and, you know, too many of us expect our projects to be done immediately. So, we have to keep that in consideration.

Commissioner Mourdock: I agree, and I have a gut sense that we are also, probably, a little bit too centralized with some of the services we offer. You know, going back towards Cheryl's general goal, it seems to me something the, call it the IT Board, Data Board, whatever, we need to put more people directly, almost in the offices everyday of the people who are there; the Auditor, the Assessor, whomever, in all those offices to give more one on one type service. So, that's a gut reaction.

President Fanello: Do you have anything you want to add, Mrs. Abell?

Marsha Abell: I realize the hour is late, and I won't talk long. Marsha Abell, the County Clerk. I just want to speak on behalf of the courts, because we are concerned, have been concerned, and will continue to be concerned. I'm not concerned with who she trains in her office, I don't care what she does in her office, but I am concerned with Mr. Rolley, who is not a county employee, who has access to the enterprise, the entire network. Because we, in the courts, have juvenile records, which anyone could hack into that has access to the network, that knew what they were doing. We also have between 8,000 to 10,000 active warrants in our system that could be destroyed, completely, activated. The manner in which people are sentenced to the DOC is all in our computer system. We continue to be concerned when outside people, who are not under the direction of ACS, have hands on in our system. I have expressed to you, Ms. Fanello, as you know at our Data Board meetings, my concern that any outside vendor would have to go through ACS. When we in the courts purchased our Court View package, we did not go outside of ACS to do that. We worked hand in hand with ACS. It was a very lengthy, tough project to go through, and I can't imagine that there is any computer

system any harder to learn to run than the one that runs the court system that put in over 70,000 new cases this last year.

Commissioner Mourdock: And how have they done in getting people trained to use the system?

Marsha Abell: We are now going to go through retraining. We've gone for three times, there are three updates that we have not purchased, because we have set back and let other projects go in front of us because we had so much of ACS' attention the year we put it on. We are to the point now that we have to upgrade. We're going to have more in-house training, but our in-house training is actual in-house training. Maximus will come on-site and train us here with ACS' people.

Commissioner Mourdock: Yeah, that was my point. I thought that you did bring the folks in who have the software—

Marsha Abell: Yes.

Commissioner Mourdock: —to do the training, more than having ACS do it.

Marsha Abell: We do everything here on-site. Again, I just want to express on behalf of...Judge Knight and myself, we are going to be meeting tomorrow, and we are going to be discussing some of this, we continue to be concerned about any outside influence coming into the network without ACS having control of shutting it down. Our network, the courts package, is so overloaded, we went down completely at 2:00 last Tuesday afternoon. Everybody's computer just shut off. We were down for a short period of time while they had to increase our usage. Which means we were at 250 users at one time. So, we're at maximum too. We're demanding a lot of their time. I'm sure I'm not any different than any other (Inaudible. Someone coughing.), when we went down, it was not something we could wait on. The courts are completely down when our computers are off. So, you know, just bear in mind as you look at a contract, whether it be ACS or anyone else, we, I think if we did not short them in employees, we wouldn't have as much problem with people wanting to go outside of the system. If someone goes outside of the system, I certainly think they should have to bring it before Data Board, and should have a contact with ACS that has to have hands on participation in any outside activity. Thank you.

Commissioner Mosby: Thank you.

President Fanello: Thank you. Appreciate those comments. Is there any other group or individual wishing to address the board? If not, we'll move on to Department Head Reports, County Engineer.

**John Stoll: County Engineer**

John Stoll: I've got two items tonight. First, I've got a request for an additional appraisal fee of \$1,700 for the University Parkway Project. This is for additional appraisal work on parcel 5, 7, 8 and 2. These are the four parcels that were, that had some original appraisal work done. We found that the right-of-way take, would take the septic tanks for these properties, which in turn would have made them total takes. Once that was found, now sanitary sewer has been proposed, and has been

designed for these parcels. So, now the appraisal work needs to be revised to reflect the fact that these folks can be connected to a sewer. Like I said, the total increase in costs is \$1,700.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The other item I've got is a request for street acceptance in Section 6-A of Cross Pointe Subdivision. This is 253 linear feet of Cross Pointe Boulevard. It's just a short stub of Cross Pointe north of Virginia Street. It's recommended that this street be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: I've got something to give you here.

Commissioner Mosby: I think I gave you a couple this afternoon.

John Stoll: Pardon?

Commissioner Mosby: I think I gave you a couple of them this afternoon.

John Stoll: Oh, yeah.

Commissioner Mosby: One of them, go down and look at Old Henderson Road.

President Fanello: I don't think David or Richard have seen all these, but did you get a copy of these on the Lynch Road Project from Bernardin? And a copy of this?

John Stoll: I (Inaudible) seen that—

President Fanello: Okay, I didn't know if you needed to make any comments on that.

John Stoll: I can take a look at it.

President Fanello: Did you want to look at it before he, or is that okay? Okay. If you'll take that letter also.

John Stoll: Okay.

President Fanello: Then, I guess, forward it back to us, so that Richard can look at it, and David. I don't think David had seen all of them either.

John Stoll: Okay, yeah, I'll take a look at it.

President Fanello: I don't have any other questions. Okay. Thank you.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. I have a tentative paving list, and I didn't know if you had already set in a date for our Roads Hearing yet. Is it set? Should we go ahead and set one?

President Fanello: No, we haven't. We probably should go ahead and set one.

Ralph Kissinger: Okay. I have a tentative list, and, of course, I can't finalize that until after we get the Road Hearing. So, do we have to advertise this?

Commissioner Mourdock: No, it's not that type of thing, but we just generally let the media know the week before. So, I would move that we schedule to have a special hearing to review possible paving projects on Monday, March 18<sup>th</sup>. That would be two weeks from tonight.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: What you might do, is just put a little news release letter together—

Ralph Kissinger: Certainly I can do that.

Commissioner Mourdock: —or work with Patty to get that out.

Ralph Kissinger: Certainly. Also I would like the Board's permission to, with the help of John Stoll to get some prices on some milling to be done, before we do some paving this year. If we can give them an idea of what they are going to mill, they can come back and give us some unit prices on what they anticipate it will take, and then once we know, we have a ball park figure, then we can actually bid the process out, but I'll need your permission to go ahead with that.

Commissioner Mosby: You're talking about just to get prices to set up a list?

Ralph Kissinger: Several quotes, at this time.

Commissioner Mosby: I'll make a motion—

Ralph Kissinger: So, we can get a ball park figure on what we think it's going to take to do some milling.

Commissioner Mourdock: You're, basically, looking at getting some unit prices?

Ralph Kissinger: Yes. Exactly.

Commissioner Mosby: I make a motion to get unit quotes.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Ralph Kissinger: Thank you. The third order of business I have this evening is Phil Lawrence and myself went over the bids for the trucks for the Highway Department bid number VC2002-14. After reviewing the bids, it appears that the bid received from Freightliner of Evansville/ Tri-State Utility is the apparent low bidder, at the price of \$69,046.36 or .32 per unit. The second low bid was Ruxer Truck Sales/ Miller Truck, with a bid of \$69,276 per unit. Myself and Phil talked it over, and our recommendation is that, looking over the bids, we're not attorneys, but looking over the bids, they were in order, and that Freightliner of Evansville be awarded the bid.

President Fanello: Has Counselor Hayes had a chance to review the bids?

Ralph Kissinger: No, he has not. That's just my recommendation, but I would like to make that recommendation on—

President Fanello: Pending his review?

Ralph Kissinger: —the stipulation that all legalities are in order.

President Fanello: Okay.

Commissioner Mosby: Do we want to take it under advisement until he looks here?

President Fanello: I was going to say, maybe a motion pending his review.

Commissioner Mosby: Motion pending his review.

Commissioner Mourdock: Okay, I see someone wants to—

Unidentified: I would like to address the board.

Commissioner Mourdock: —address the issue (Inaudible).

Ralph Kissinger: Before he addresses the board, I have something to say. This happens every time I start to bid, and it's just a matter of once these bids are turned in to the Commissioners, I am not supposed to discuss these with anyone until these bids are awarded. Is that not correct?

Philip Hayes: That's the way I understand it.

Jim Elpers: My name is Jim Elpers. I'm with Miller Truck Equipment. I know there is, every time there has been an issue, but I've been in this business for 20 years, and I know my equipment, and I'm not saying that Mr. Kissinger does not, but I know my competitors, and it's my business to do that. The low bidder, which was Freightliner of Evansville and also Tri-State Utility does not meet bid specifications. I highly recommend that the Board look at this very closely, because there's no sense even putting out a bid, if you're not going to meet it. There is a reason why, you know, that they don't meet, and that's why they are the low bidder. Because,

just for one instance, on the dump body, I was asked my opinion on the bid specs what was needed, and I put in my viewpoint, those were put in the bid spec and it wasn't to write out anyone, everyone could bid what I recommended, because of the steel and stuff, the AR400 steel in the dump bodies is a highly abrasive steel. My competitor did not bid, I know because, I can't say why, but I know that they did not bid that, David. There is other issues that they make on a cross member sizing, the long cell, the hydraulic system, it was a touch command system. We were told by the County that that's the only system they wanted. That's not what was bid on the low bid. I could have went with that other system, and I could have, you know, got to that point, but why do it? If you're not gonna, you gotta, you gotta go with, you know, I mean, that's why you bid it. You know, am I wrong? I go for the county. You can ask Dave Hudson, which is Ralph's assistant. I've gone out there, and I know it's tough luck, but I've gone out in the middle of the night, turned trucks back over, fixed them in the middle of the night, got up, left my family, risked my life, to go down to the county, open the doors, so you guys can run and clear roads. The others guys, are they going to do that. Heck no. So, please, I'm not that far out of line. I have good, quality product, and I meet specs to the "t", and please look at it.

Commissioner Mosby: I'm not sure that your out of line, but let's talk about the truck that we got from Ruxer last time.

Jim Elpers: That--

Commissioner Mosby: How many times has that truck been back in the shop?

Jim Elpers: Okay, that has nothing to do with me.

Commissioner Mosby: Well, okay, but you did not bid with Freightliner, and what we are looking at--

Jim Elpers: I did bid with Freightliner.

Ralph Kissinger: (Inaudible. Not at mike.)

Jim Elpers: I had my bid with Freightliner, which was my main bid with Freightliner. They put an alternate bid in there, Freightliner of Evansville, which was built on my property, but those people bid with me also. That truck has nothing, that truck, I don't care, I'll put that bed on a Freightliner. I just want the equipment.

Commissioner Mosby: Is it at the same price?

Jim Elpers: It's a little bit more, but--

Ralph Kissinger: (Inaudible. Not at mike.)

Commissioner Mosby: Oh, well, okay.

Jim Elpers: --David, because, because of it does not meet specs. They asked for the touch command system, and you're not getting the touch command, push button control system. You are getting a joy stick control system, which is not, you're not comparing apples to apples, guys.

Commissioner Mourdock: You are saying in the specific Request for Proposal, it was very specific to say whatever the system you just said, touch controls?

Jim Elpers: Touch command control, and that's what we have supplied the county for years, and that system has worked, and then Ralph's assistant, Dave, has said that's all we want.

Commissioner Mourdock: Does the touch control--

Jim Elpers: That's what was in the bid spec, and that's what I spec'd.--

Commissioner Mosby: Well, we're going to have (Inaudible).

Jim Elpers: --to the "t".

Ralph Kissinger: As far as I know, in looking over the bid specs, like I said, I'm not an attorney, but there was a touch control system spec'd in, in Tri-State Truck Equip or Tri-State Truck and Utilities bid. If it is not spec'd, then they may not well be up to spec, but as far as what I could read, unless Mr. Elpers has additional information that I do not have, because I have not talked with Tri-State Truck Equipment, because the bids have not been let yet. In talking to them, if they do not meet specs, then they won't be awarded the bid as far as the way the contracts read.

Jim Elpers: I'm not--

Ralph Kissinger: Is that correct?

Commissioner Mosby: Right.

Ralph Kissinger: They have to be--

Commissioner Mourdock: Well--

Commissioner Mosby: Okay, I'm going to make a motion--

Ralph Kissinger: I'm just telling you what the apparent low bidder was.

Commissioner Mosby: --we take these under advisement.

Commissioner Mourdock: Yeah, absolutely. I will second. We take them under advisement, and we've gone through this several times. I'm thinking of the Solid Waste Board meeting not long ago, where we put something out to bid through that group that wasn't really what we wanted--

Commissioner Mosby: Right.

Commissioner Mourdock: --but if we were specific with the bid here, and different vendors responded properly, then that's what we need to do. So, I'll second the motion to take them under advisement, and look for a report back from Phil next week.

President Fanello: Yes.

Commissioner Mosby: Okay.

President Fanello: Okay. Is there any other information from the County Highway?

Ralph Kissinger: That's all I have to say and my weekly reports.

President Fanello: Okay. Are there any questions?

Commissioner Mosby: No.

Ralph Kissinger: Did you say the meeting was two weeks from today?

President Fanello: Yes, March 18<sup>th</sup>.

Commissioner Mourdock: For the roads, yeah.

Ralph Kissinger: Okay, thank you.

President Fanello: Thank you, Ralph. County Attorney.

**Phil Hayes: County Attorney**

Philip Hayes: Yes, I wanted to report a couple of things. One is that Mr. Grimes, a citizen, had been before the Board, and, I believe, that he is also personally spoken to at least one of the Commissioners. It's in regard to Nurrenbern Road issues, and ownership issues there. I wanted to place in the record that, they don't know it yet, but the County Engineer and the County Highway Superintendent are going to assist me in a field trip, so that we can see whether or not there is an accommodation that can be made. We'll be scheduling that as soon as we can squeeze that in. We hope to use Mr. Kissinger's lunch hour for that. In regard to the issue on noxious weeds that was brought before the Commission, we've contacted the Department of Natural Resources, their Forestry Division, and I had a response from them, and they are looking at the ordinance that we currently operate under, and trying to determine if there is a way that they can assist us. I did preliminary research, and found that the Indiana Department of Agriculture, at least, had had a bill introduced in this last legislature to review noxious weed legislation. It is a serious problem, and right-of-way's become fouled with rapid growing vine plants, and other kinds of plants like multi flora rose. So, the DNR staff is interested in this, and they are going to get back and try and give us a response if we can get some assistance from them or not in determining how to handle those kinds of complaints. There was a meeting in regard to Schmuck Road issues, and they were of particular concern to us because of access, and there is a complicated right-of-way issue there, but fundamentally we're asking that the two parties directly involved, two property owners, stipulate that the county can step aside, and can maintain what they have been maintaining in order to accommodate the public. There's an historical issue going back to the 1880's that somewhat restricts the debate, but primarily there's a private property issue there, but the public issue can probably be resolved without our participation in these other private questions. So, we hope to have that resolved as quickly as possible. I would like to, we will request, and I would like to request that we have an Executive Session set for Monday, March 11<sup>th</sup> at 4:00 p.m., if possible, to discuss progress on litigation.

Commissioner Mourdock: I'll formally make that a motion.

Commissioner Mosby: Second.

President Fanello: So ordered. So Executive Session next Monday at 4:00.

Philip Hayes: Okay.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Okay, Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

**Steve Craig: Burdette Park**

Steve Craig: Steve Craig, Manager of Burdette. The only thing, I guess, I need is the appointment that you made. I didn't get Carl's address.

Commissioner Mourdock: 6321 Oak Hill Road, 47725.

Steve Craig: 477-

Commissioner Mourdock: 25.

Steve Craig: Other than that, I have my work report. That's all I have.

President Fanello: I'm sorry.

Steve Craig: I said, other than that all I have is my work report.

President Fanello: I'm not paying attention here.

Commissioner Mourdock: That's fine with me.

President Fanello: I don't have any questions.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move we include the Soil and Water Conservation District and Ozone Officer's report into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Community Corrections**

Commissioner Mourdock: Would also note that last week we talked about having, as our Department Head Reports, a summary for Community Corrections. What I might ask—

President Fanello: Is that what this—

Commissioner Mourdock: —for Community Corrections, okay, maybe—

Eric Williams: (Inaudible. Not at mike.)

President Fanello: Oh. That's the detention center.

Commissioner Mourdock: I was just going to say, what I would like to see for a weekly report, and I know the first week or so it would be tough to compile this, but I would like to get a weekly report as far as the people that are in the various components, be it staying there over night, or bracelets or whatever, and what the level felony is, and just how they are assigned out there. That way once, as I say, the first week may be a tough one to compile, but after that, it ought to be fairly easy.

Eric Williams: Would it be acceptable to include that with the jail report on a weekly basis? Send it electronically?

Commissioner Mourdock: Sure, that's fine.

Eric Williams: It would be in the same format.

Commissioner Mourdock: Yeah, again, the big thing is just who's there, who's in the program, what level of crime are they there for, and if you would include the Judge, that would be helpful too.

Eric Williams: I'll see if we can have that on Wednesday's report.

Commissioner Mourdock: Okay, alright.

President Fanello: Okay, thank you.

<b>Consent Items</b>
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President Fanello: Okay, Consent Items.

Commissioner Mourdock: This Consent Item that we have on the table regarding the payroll was the only payroll one I had.

Tammy McKinney: That's just a late one. The other one's—

President Fanello: There was a whole bunch of other's. Did you—

Tammy McKinney: —it may be in your box, because I just got those today, and then I got that one this afternoon.

Commissioner Mourdock: Okay, well, if you would, I mean, we do need to get those on—

President Fanello: Yeah, why do we keep getting these on Monday? And those come from?

Tammy McKinney: Sandie Deig.

President Fanello: Okay. Let's just make a request that we get those on Friday.

Commissioner Mosby: Yeah, if they are not in on Friday, they don't go in on Monday.

Commissioner Mourdock: Yeah, right.

President Fanello: Okay.

Commissioner Mourdock: We may have to do that a week or two, but that will make the point. I would move that we add the one payroll item to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And then move—

Commissioner Mosby: Well, before you approve, and I was hoping Marsha stayed. I would really like to ask why we need to send somebody to Florida?

President Fanello: Can I go? Please? Please send me.

Commissioner Mosby: I mean, I don't know, I guess it just struck me when I seen Sarasota, Florida on here.

Commissioner Mourdock: It struck me when I saw \$300.

Commissioner Mosby: Struck you, what?

Commissioner Mourdock: Isn't that the one that was \$300 for lodging?

President Fanello: Yes.

Commissioner Mosby: \$600.

President Fanello: Well, \$300 for the lodging.

Commissioner Mourdock: Yeah, I was thinking \$300 for lodging.

President Fanello: But that (Inaudible), that doesn't really make any sense to me. I'm not sure what I'm supposed to understand from this.

Tammy McKinney: That's just what I got.

President Fanello: I don't...I don't know if they are going through some kind of, I don't know what the word is I'm looking for,--

Commissioner Mourdock: Is it, and I don't know--

President Fanello: --simulated election day type situation.

Commissioner Mosby: Oh, it says it will be the first Florida county with a county wide election on touch screen.

Commissioner Mourdock: Yeah, that's what I was going to say.

Commissioner Mosby: Well, I guess, my thought is, let them get the bugs worked out of it. Let them look at it. Well, I'm serious.

Brad Ellsworth: (Inaudible. Not at the mike.)

Commissioner Mosby: Huh? Oh.

Brad Ellsworth: (Inaudible. Not at mike.)

President Fanello: The Sheriff is going to answer this one.

Brad Ellsworth: Brad Ellsworth, Sheriff. We get a lot of training requests and a lot of training information, and that is, they don't call you and say where will you go? I think they try to anticipate where it may be interesting to go to hold the school. I know we argued this out at the Council a couple of times, well, they don't hold big conventions in Chandler. They, you know, they hold them in areas where there might be something else to do besides the class. You know, I went to one in Clearwater, Florida several months ago. It was about a jail overcrowding. That's where they held the school, you know.

Commissioner Mourdock: You went to one in, where was it, Loveland, Colorado? Somewhere out there.

Brad Ellsworth: It was, I can't remember, that's where the AJA's Headquarters is in, I think, (Inaudible) Colorado.

President Fanello: I think there are several times where it's called for, it's called for. We just didn't know what the exact seminar was, what the exact purpose was.

Brad Ellsworth: Right. I'm just saying also, there's sometimes...we would much rather have them be driving distance, Newburgh or, you know, Mt. Vernon, but they just don't hold these conferences there.

Commissioner Mourdock: I think item four on here, the Ivotronic Terminal Facility, which is in Sarasota, so it isn't that it just happens to be the election in Sarasota County, that is where the people with the touch tone technology are located.

President Fanello: But does that, I mean, are we going because we are going to be buying touch screen machines?

Commissioner Mosby: I guess--

President Fanello: I guess, I'm not quite sure why we're going. I don't have a problem if that's the only location it is. I just don't know why we are going.

Commissioner Mosby: I guess, my point is, we haven't said we're buying anything. I mean, I've not seen the Council, you know, budget any money and say, you know, run out and let's start looking at this, and let's get something working and on the board. I mean—

Commissioner Mourdock: Yeah, I understand.

Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mosby: Well, and I would almost bet that this system is going to be used somewhere else along the line, probably closer to home, at some point in time. We're not going to buy anything in the next three or four months. I don't think we're going to set up the May or November election on this system.

President Fanello: March 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup>, so we actually have some time to, maybe, defer this until next Monday only. I mean, that's my only question. I don't really, I'm just not sure why we're going.

Commissioner Mourdock: I'm willing to defer it. I think whether we have Marsha who takes the job very seriously—

President Fanello: Uh-huh.

Commissioner Mourdock: —as Chief Election Officer for the county, and I think she is trying to look out for our best interests. I don't have a problem with it, but if you want to defer it, I'll (Inaudible. Talking over each other.)

President Fanello: I don't disagree with you, but with the touch screen, we just haven't agreed to buy anything, unless, like Commissioner Mosby said, I'm just not sure why. We haven't agreed to buy anything.

Commissioner Mourdock: I'll move that we defer that issue for one week in the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Then I'll move that we approve the Consent File items.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

<b>Scheduled Meetings</b>
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<sup>1</sup>Consent Items listed on Page 53.

President Fanello: Scheduled meetings. Go ahead. Were you going to say something?

Commissioner Mourdock: No. We had the one scheduled meeting with the Exec Session, so.

President Fanello: Okay, I wondering, I received a request from Legal Aid for increase in their office space. Did you, have you seen that? I'm just wondering if it might not be time, with all the other discussions we're having going on, to have a space allocation meeting. I know, Richard, you submitted this possible questionnaire that we might send out, and also discuss that, but Legal Aid is requesting some space, and it might be good just to have one. It may not be a very long meeting, but just to get back on track of how we are going to reallocate some space.

Commissioner Mourdock: Has the Building Authority, is there a replacement for Steve? Do they have somebody?

Commissioner Mosby: I was going to say, who are we going to meet with?

President Fanello: That's true. Well, I meant within ourselves.

Commissioner Mourdock: We could get, certainly, Howard up here, or have someone from the board to come through and do that, I'm fine with that. Do we want to try the 25<sup>th</sup>?

President Fanello: The 25<sup>th</sup>. It can just be about a half hour before our regular meeting.

Commissioner Mourdock: Okay. Or the 18<sup>th</sup>.

Madelyn Grayson: Does that require advertising for that? Will it be a special meeting?

Commissioner Mourdock: No.

President Fanello: Are there any other—

Commissioner Mourdock: I guess it would require advertising, because all three Commissioners are going to be present, yeah. I would move that we schedule a space allocation meeting for 5:00 on March 25<sup>th</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Old Business</b>
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President Fanello: Old Business.

Suzanne Crouch: Just a couple of brief items. I met with Commissioner Mosby today regarding the Cum Bridge and Cum Courthouse, and I understand, Commissioner Fanello, that we have a meeting tomorrow morning, I believe?

President Fanello: Yes, at 8:00 in the morning, I just found out at 4:00, that I have one at 8:00.

Suzanne Crouch: Then on the W-2 form, the information on there is correct. It is acceptable by Indiana Department of Revenue requirements. The directions, our directions as to what form to mail to whomever, but because the format is different, we will send a notice, or a reminder to the employees this week with their paychecks.

Commissioner Mosby: You're sitting over there looking real funny. Do you want me to explain that?

Susan Taylor: No, I got it.

Commissioner Mosby: Did you understand that?

Susan Taylor: Yes, I did.

Commissioner Mosby: We only have to keep one, and they can send the other three off. So that's how it amounted down, rather than two and two. So, of course, some people aren't understanding that, and getting them back, but she's going to put a thing on their paychecks so, letting them know what the deal is.

President Fanello: Any other New Business? Old Business, New Business?

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 8:00p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Health Department	County Clerk	Recorder
Pigeon Assessor	Prosecutor	Sheriff Department
VCCC		

**Travel Requests:**

Health Department	SWCD	Surveyor
County Highway	Auditor	County Assessor

**Requests for Service:**

County Assessor

**Commissioners:**

Submission of Substance Abuse Council meeting minutes of 12/3/01 and breakdown of 2002 Grant Money.

**Auditor:**

Submit Fixed Asset Report.

**County Clerk:**

Submit Monthly Report.

**Sheriff:**

Submit weekly jail information and reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Marilee Fowler	Cheryl Musgrave
Dennis Woehler	Dennis Feldhaus	Clifford Thomas
Jim Morley, Sr.	Ben Kunkel	Phil Hoy
Robert Goff	Alan Teeple	Marsha Abell
Brad Ellsworth	Eric Williams	John Stoll
Ralph Kissinger	Jim Elpers	Steve Craig
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
March 11, 2002**

The Vanderburgh County Board of Commissioners met in session this 11<sup>th</sup> day of March, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Vanderburgh County Board of Commissioners meeting for March 11, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right, Superintendent, Tammy McKinney; County Attorney, Phil Hayes; Commissioner Mosby; myself, Commissioner Fanello; to my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: I need approval of minutes from March 4<sup>th</sup>.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

**Approval of Summary Minutes from March 11, 2002 Executive Session**

President Fanello: Approval of the Executive Session this afternoon.

Commissioner Mourdock: I'll move approval of summary minutes from today's Executive Session. That included the three Commissioners, the County Auditor, and the County Attorney. It started at 4:05, ended at 4:30, and dealt solely with litigation.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Judge Knight: Court Case Management System Upgrade  
Project 0102-23016**

President Fanello: Judge Knight.

Doug Knight: I'm Doug Knight, Judge in the Vanderburgh Superior Court. Thank you for the opportunity to address the Commission. I'm here in regard to computers and an upgrade that is a growing event in the court system. This arises out of a project approved by the Data Board in February of 2001. Implementation began that same year, and as we proceeded with the upgrade, and the technical people got more thoroughly involved in the process, it was determined that the upgrade required more

powerful or stronger computer desktop units than we presently had in place. There were several various options that would involve either increasing the memory in the units, increasing the CPU power, essentially, what it boiled down to, was the entire upgrade project had to be placed on hold until some 250 desktops, or PC's, could be replaced, because that was the kind of power that would be required. The upgrade became, actually accelerated it more critical toward the end, or in the year 2001, from the viewpoint of the Clerk's office, they now require by law, IRS regulations, to churn out a huge number of 1099's for all lawyers receiving money paid through the Clerk's office. The upgrade to our court software application package does that automatically, in generating those 1099's. That would enable the Clerk to save a humongous amount of time. Marsha Abell wanted to be here, but had a special commitment that took her elsewhere tonight. That was unfortunate that that project stopped there until we could find a solution for the replacement of all 250 computers. It's not possible to have the upgrade run on just a few of the computers and not run on all the computers. The upgrade goes to the entire system. It's at that point when we realized that a replacement solution was going to be necessary. Actually, at that point, we didn't totally eliminate just simply upgrading each work station, but we asked ACS to look into the matter, to see if they could find a solution, or a plan around bringing us to a more powerful posture with the desktop units, and then continue with our upgrade. We wanted SCT to find a solution that would be compatible with the direction that the court was growing in. That would involve digital recording, which is cheaper than analog recording, and teleconferencing, remote access was becoming an issue with John Street, Probation Services. There are other departments that are wanting access to Court View minutes and such as that, and some funds are not in place. Actually, a lot of funds are not in place. That would include the ability of law enforcement to view Court View 2000 without extra expense and networking. Law enforcement, Department of Metropolitan Development and so on. What SCT was able to do was come up with a plan that, I believe, is in front of you, entitled the Upgrade Program. We've reviewed the plan. We have been before the County Council. It's our interpretation of what we see in the plan that there are a number of strengths in that it presents a unique opportunity to obtain some needed materials at a substantial savings to the county. If we had to replace all 250 desktop units at an average price of, I believe it was, yeah \$2,500 each, the PC replacement alone would run up to \$625,000. The solution that ACS has laid out before us, totals out to \$625,000, but has a lot of other benefits in the package that solve some connectivity problems, allow the upgrade to go forward, and take care of some back room stuff that somebody with a Computer Science Degree understands better than I do. We also believe that, well, it should point out that the strength of this solution is it's compatibility with the equipment and the accessories presently in place throughout the court system. It's through the same vendor that has the contract to provide the disaster recovery service with the City-County government. The expedient implementation of the project saves money on the 1099 processing, and it would enable us to avoid some impairment to the Clerk's office functions at the year end when they have to crank out thousands and thousands of 1099's. It means they will have to go manually through about 38,000 checks to determine whether that should or should not generate a 1099, and then actually generate the 1099. The upgrade will do that automatically, but the longer we wait, obviously, for the upgrade to be put in place, the more checks the Clerk's office is going to go through. I believe that it would be hard for her, although I can't speak for her, to accomplish those tasks with her current staff. I think that at the end of the year with given the short period of time that she has to get that material out, that she will probably require additional staffing. It is also a single source solution that meets all the requirements of the project. It offers, what I think is a nice centerpiece, is the financially discounted solution, in that

it offers us all 250 desktop units now, rather than have to replace 50 now, and 50 next year, and 50 the following, and so on down the line. We get all of those computers now, but it takes a commitment over the next two years, year two and three, or three and four, however you want to look at it, that that total price will be met. So, although the expenditure this year is \$125,000, which is already funded and in place, the other part of the solution is a commitment to balance, to pay the balance of the cost. So, we're really here today to give you the information that we've gathered, seek your advice on how to proceed with this so that we do the right thing. I'm sure we all recognize that if we could do this tomorrow, it would be in everybody's best interest. Tim Van Cleave, on behalf of ACS is also present here. I think that if we could all have our way, in an ideal world, of course we would like to take advantage of this special purchasing opportunity at a special financial plan. I hope that everyone is, I don't know how long you've had this material in your hands. I don't think very long, and it's a complicated amount of material. So, Mr. Van Cleave is here also, with his Computer Science Degree to answer those questions.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: I'll just summarize it. Yeah, it is a bunch of complicated material, and we keep seeing more and more stuff on the various computer systems around here. I'm certainly not comfortable in saying absolutely, yeah, this is what we should do, or absolutely, no, it isn't. So, I would like to take at least a week to look this over, and see what we can learn.

President Fanello: Do you have any questions? I've just got a couple. How have we done the 1099's up until?

Doug Knight: We didn't have to do them a year or two ago, but the IRS decided that they should change that, and that whenever money was paid out of the Clerk's office to attorneys, that the Clerk would be required by law to generate a 1099 to the attorney. That's a real big headache, because attorneys are kind of mobile, and that they wind up with different law firms, and there is always a dispute over who should get the 1099, but if the lawyer's name is on the check, that lawyer is going to get a 1099.

President Fanello: I didn't know how she did them, because I thought that came--

Doug Knight: Manually.

President Fanello: --oh, okay. That's what I was wondering.

Doug Knight: Reviews the checkbook--

President Fanello: Uh-huh, and goes through.

Doug Knight: Yeah, and then--

President Fanello: When you talk in here about a lease option, possibly, I guess, if, I would like to see kind of what they are proposing as far as a lease option. So, if that information is available, I would like to take a look at it. Then we would like to ask our County Attorney to look into that situation as it complies with the state purchasing guidelines. That's all I have. Anything else?

Doug Knight: Thank you for (Inaudible) appearance before you.

President Fanello: Yes.

**Phil Lawrence: Permission to Award APA014-2002: Traffic Paint &  
APA015-2002: Traffic Signs**

President Fanello: Phil Lawrence.

Phil Lawrence: Good evening. I'm here to ask permission to award the bids for the paint and signage. These were done at the Board of Public Works. Approved this morning. It would be recommended awards. The first one I've given you is for signs. The next one is for traffic paint.

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

Phil Lawrence: Yeah.

Madelyn Grayson: Okay.

President Fanello: Are there any questions?

Phil Lawrence: For the paint bids, Sherwin Williams was the only bidder, and the low bidder. For the glass spheres, the low bid was from Flex-O-Lite for \$9,277.80. For a combined total of \$58,302.55. That was for APA014-2002.

Commissioner Mourdock: And you are recommending all to the low bidder?

Phil Lawrence: Yes.

Commissioner Mourdock: Then I'll so move.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thanks, Phil.

Phil Lawrence: You're welcome.

**Amendment to County Contract for Reassessment Software**

President Fanello: Next item, County Assessor, amendment to county contract for reassessment software. Is that?

Philip Hayes: Yes, I have an amendment to that. (Inaudible. Mike not on.) Was sent over by (Inaudible).

Madelyn Grayson: Phil, could you turn your mike on please?

Philip Hayes: Sorry. Rebecca Kasha, attorney at law, is the attorney for what would be the Board of Review, by it's other name. This is a work order for data base conversion. I understand it's \$2,020. There is a, it's for a back up of the ProVal application, the program and data directory, which is part of a master contract with a company, Manatron. I have had discussion with Ms. Kasha, and I also talked to the Assessor, Cheryl Musgrave, and sat in on a meeting. They had earlier had some discussion about the extension of that contract. They've apparently settled their differences on it, and have asked that this be approved.

President Fanello: Okay. I didn't have a final copy to review, so, can this, is this something that can be deferred for one week?

Philip Hayes: My understanding was that there was no, it was not an emergency situation. Let me look at the other, and I also thought that it was a...in order to begin the process on the conversion by Manatron, their regional office, they would require the work order to be completed. That's the only, whether that time is critical or not, I don't have that information.

President Fanello: Okay.

Commissioner Mourdock: My suspicion is that she would like to do it, I don't know that it's super critical. Again, the state hasn't finally approved it, but it looks, hasn't issued final approval to that software, but it's her indication that will happen. So, I know she wants to go ahead and get it loaded, so that she can start doing some testing with it. So, whether it happens, meaning tomorrow morning or next Tuesday, if that's of a critical nature, I don't know.

Philip Hayes: In speaking to Rebecca Kasha, and having just some familiarity with the beginnings of the dispute with Manatron, which I understand has been resolved, the timing was not particularly critical, but they wanted to get it started, because, as Commissioner Mourdock says, it's part of the reassessment issue and tax bill issue.

President Fanello: What was the cost on the contract?

Philip Hayes: It's \$2,020.

President Fanello: Okay.

Commissioner Mourdock: I'll move we go ahead and—

Philip Hayes: Yeah, if you need the—

Commissioner Mourdock: —sign the document.

Philip Hayes: —if you need the original contract, I have a file on that, and that was—

President Fanello: There's a motion on the table.

Philip Hayes: I'm sorry, I don't have that date right here.

Commissioner Mosby: (Inaudible. Mike not on.)

Philip Hayes: I think it goes back to at least January of last year.

Commissioner Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: No, it hasn't been, but what the situation is, and I just learned this, that the software will not be completely certified by the state until every County Assessor and every Township Assessor signs off that it's acceptable. Which is probably never going to happen, totally, because there will always be an assessor somewhere who's rather contrary. So, it's going to be put in use without being probably fully certified. The state has done some recent testing on it, and they are now, at least, releasing it to the various assessors, so they can begin to load it and use it.

Commissioner Mosby: Are you wanting information?

President Fanello: It's for \$2,000, I'm—

Philip Hayes: Yeah, without... I don't see a, I don't see a legal problem to doing that. The initial discussions last year, late last year, had to do with the latest versions of the ProVal software, as a new release of that product, and whether or not it was covered under the license agreement and a companion support agreement. I believe that this contract, this work order, is a compromise of the discussions about whether or not it was under the old license agreement, or should be under a new one. In addition to that, I believe, that the contract with Manatron is one which is slowly expiring. I anticipate—

Commissioner Mosby: I'll second that. I know what it is.

President Fanello: So ordered. So ordered.

Philip Hayes: Okay, and I have a clean copy of that for signature on it, I think.

<b>Permission to Advertise First Reading of Travel Ordinance</b>
--

President Fanello: David, permission to advertise first reading of travel ordinance. You just need to make a motion.

Commissioner Mosby: I'll make a motion that we advertise.

Commissioner Mourdock: I do have a comment or two. I'll be okay with the advertisement, but under the number one on the second page on the per diem—

President Fanello: Uh-huh.

Commissioner Mourdock: —I think it's still, and I'm just trying to solve a problem down the road. I think it's still very confusing. The word per diem, at least to me, means this is what a person is paid to be away from home—

President Fanello: Uh-huh.

Commissioner Mourdock: —and if it's meals, if it's lodging, whatever, that's what per diem is. The way this is broken down into seven, seven and a half hours versus 12 hours, or if it's over 12 hours, I just think that's very confusing still.

President Fanello: Well, that was the original language. I'm assuming that everything in the italics, you're changing that original language.

Commissioner Mourdock: But are we taking out then what is in the non-italicized?

President Fanello: I would hope so. As far as that one. That's why, this format is confusing.

Commissioner Mourdock: Yeah, it is.

President Fanello: I would probably like it in it's final form before we advertise it, because there are still some things in here that need to be taken out, and I wasn't clear what was going to be taken out and—

Commissioner Mourdock: Yeah.

President Fanello: —what information that I gave to both of you was going to be put in, so.

Commissioner Mourdock: Yeah, if the non-italicized language is going to be struck, then it certainly makes more sense.

President Fanello: Uh-huh, but I don't think every non-italicized language is going to be struck.

Commissioner Mourdock: Right.

President Fanello: So, if we can—

Philip Hayes: If I could—

President Fanello: If we could go ahead and make a, do a permission to advertise, but if we can clean it up before it actually goes to advertise, but.

Philip Hayes: I don't think that's a problem. The reason the italics, I had made the decision to leave those in, in order to demonstrate the new language, rather than either bright line, or underlining. The, I was not aware that there was any text in the old ordinance to be stricken. I did not, I was not aware of that. If we do have it, and if it's in shape at this point, I think the new language, and the Recording Secretary can probably help us out here. On the program that we have back here, I think we can change that to underlining, and that would be appropriate to demonstrate what the amendatory language is.

President Fanello: So, if we can change that before we send it to advertising, I think it will be okay. I just had one other comment. The last paragraph on page three was actually a comment I had made, and I didn't make that clear, that's what I want to ask the County Council to do this year, is that for each department to have it's own training line item that they pay for their own registration fees and conference fees. I personally think that we should only be responsible for approving the actual travel and scrutinizing the meals, hotels, lodging and transportation costs. I think it should be up to the department to pay their own registration fees. So, that, I don't know if that can go in there right now. I've got some discussion that needs to take place with Councilman Winnecke about that. So, I don't know that that necessarily needs to be in the ordinance.

Philip Hayes: As part of the ordinance?

President Fanello: Yeah, that was more or less a discussion item, and I didn't clarify that.

Philip Hayes: Okay.

President Fanello: So.

Commissioner Mourdock: So, do we want this draft cleaned up then before we advertise it?

President Fanello: Yes, yes.

Commissioner Mourdock: Okay, so then there's a motion on the floor, and, I guess, David needs to rescind his motion.

Commissioner Mosby: I rescind my motion.

Philip Hayes: Okay.

**Permission to Advertise Amendment to Section 2.52.030 of the  
Vanderburgh County Code: Composition of Area Plan Membership  
Consistent with State Law**

President Fanello: Phil Hayes, permission to advertise on first reading to amend Area Plan membership.

Philip Hayes: Yes, the proposed ordinance, and I have clean copies, you should have a copy of a faxed copy in your files. If you do not, I can pass that down, but very simply in the 2001 legislature, the legislature provided counties which have Planning Commissions of all different sizes and make ups, various amended options. As for our county, they have provided the option of including the County Surveyor or the County Surveyor's designee, which generally can be a deputy in that office, as anticipated, from what we understand. In order to embody that change in Indiana law into the County Code, it's necessary to amend the County Code as to composition. So, I've consulted with the Area Plan's counsel, Joe Harrison, and what has emerged as a product of that is a re-ordering of the language from the old ordinance, and it simply provides everything is exactly the same, in number three the representative appointed by the Superintendent of the Evansville-Vanderburgh School Corporation simply clarifies that the name of the County School Corporation, which was not clear in the old ordinance, and then number four is the new language where the County Executive may appoint one of the following; either the county agent, or the county Agricultural Extension Educator as they are named in the statute, or the County Surveyor or the County Surveyor's designee. This amendment would conform our code then to Indiana law. In looking at the changes, I don't think the County Code has changed since the '80's.

Commissioner Mourdock: Okay, well I'll move approval of advertising the re-stated amendment for the membership of the APC board.

Commissioner Mosby: Second.

President Fanello: So ordered.

Philip Hayes: I have a disk for the Recording Secretary to use.

Commissioner Mourdock: Just as a question of order, I guess, I think it's from previous discussion here, it's the consensus of this Board that we go ahead and, obviously, pass what we just agreed to advertise. Is it necessary to wait to re-do the appointment of that person until the ordinance is re-drafted?

Philip Hayes: It is, I believe, important to have the ordinance amended—

Commissioner Mourdock: Before we actually act—

Philip Hayes: —so that we act under the ordinance, yes.

Commissioner Mourdock: Okay.

Philip Hayes: Because our ordinance is inconsistent. That's a clean copy of it. Let's see...our ordinance is inconsistent with —

President Fanello: I'm sorry, did you second the motion?

Philip Hayes: —the state statute. The state statute—

President Fanello: Did you second his motion? Okay.

Philip Hayes: —is effective January 1, 2002—

President Fanello: If I say so ordered. It's been a long time since that happened.

Madelyn Grayson: Counselor Hayes, will this follow the same guidelines? Have a first reading and a second reading prior to approval?

Philip Hayes: Yes.

Madelyn Grayson: Okay.

Philip Hayes: Yes, it does.

Madelyn Grayson: So, I assume the first reading won't be until April 1<sup>st</sup>? If this goes in ten days prior to the meeting, it would be advertised this Friday. Then the first hearing would be April 1<sup>st</sup>?

Philip Hayes: Okay.

<b>Permission to Advertise Vacation of Public Way</b>
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President Fanello: Next item is Auditor, permission to advertise vacation of public way.

Suzanne Crouch: We are seeking permission to advertise the vacation of a public way. It's the street between 8216 and 8300 West Terrace Drive. We would like to have that public hearing advertised for April 15<sup>th</sup> at 5:30 p.m. at this meeting.

Commissioner Mosby: Motion to advertise.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Suzanne Crouch: Thank you.

President Fanello: Thank you.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board?

Jerald Jones: I'm Jerald Jones, I live on Lyle Road. Thank you, Commissioners for allowing me to speak to you. As I understand it, this is the month in which the roads are going to be up for paving. Well, I've got a project, my brother and I have asked several times in the past considering the elevating of Lyle Road. It's not to be paved, but I just wanted to bring it to your attention. Presently there are approximately a dozen property owners that have property along Lyle Road. Lyle Road is an old country road. It's about a mile length gravel road, you know, it's not the Lloyd Expressway, but it is important to us. Probably the most important property owner right now is Gary Staub, because he has orally agreed to, after my brother talking with him, that he will be granting an easement to the county for this project, if it's approved. However, he would like to see the site design plan completed. John is presently working on this. I appreciate that a lot, John. It's just about done, so it's going along quite nicely. Finally, and what this project really involves is only about 1,100' of elevation of about 4'. My brother and I will still make available to the county the fill dirt for this project, if it's needed by the county. Still be happy to help in anyway we can. The other thing is, in the past, and if you need it, we'll do it again, but when Mr. Tuley was on the Commission, he asked my brother and I to come down and survey all of the other people in the county around there that would feel like this was a worthwhile project. We did that, and brought the names in, but for one reason or another, and funds are hard to come by, I know, we never could get the project completed. So, now I'm hoping that you folks can look at it very closely and maybe help us out this year. I appreciate it. Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Our road hearing is next Monday, just so you know. Is there any other group or individual wishing to address the board? Seeing none, we will move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First I've got a street acceptance request for Section VIIA of Keystone Subdivision. This is for 1,141' of Delk Drive, 437' of Langley Court, and 1,111' of Saybrook Drive. The streets were inspected and they were constructed generally

in accordance with the approved plans. So, it's recommended these streets be accepted for maintenance.

Commissioner Mourdock: Just that adverb, generally, what did you mean by that, John? Normally you don't say that.

John Stoll: There is always minor differences between the elevations they call for, like an inlet, if it's an inch high or an inch low—

Commissioner Mourdock: Oh, okay.

John Stoll: —things like that. (Inaudible) isn't exact.

Commissioner Mourdock: The widths are okay? The road base is okay?

John Stoll: Right.

Commissioner Mourdock: The curb or lack of curbs is okay?

John Stoll: Right.

Commissioner Mourdock: Okay.

John Stoll: Just when we reviewed the plans, it always shows—

Commissioner Mourdock: You scared me with that one.

John Stoll: —there are some minor fluctuations—

Commissioner Mourdock: Okay.

John Stoll: —and every now and then, there is one that is a little more severe, and we make them make changes before we accept it. In this case, everything was generally okay.

Commissioner Mourdock: Okay, I'll move acceptance of the roads then, as recommended by the Engineer.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I've got supplemental agreements with Bernardin Lochmueller and Associates for the Eickhoff-Koressel Road Project, the University Parkway Project. This is for an increase of \$72,000. It's for increased costs due to the fact that several years ago the plans were split into both paving and grading projects. In reviewing the funding available for the projects now, plus the available Federal funding, it looks like we could have enough money to go ahead and do it all in one contract. One paving and grading, paving and grading all combined into one, as opposed to what we dealt with out on Lynch Road, where we had a grading contract, and then followed up a few years later with a paving contract. The problem with the available Federal funding right now, is the fact that the available Federal money available for this project is about \$6.5 million, while the total project cost is about \$9.8 million. So, we don't have enough Federal money to get the total 80/20 split

like we usually would. However, there is a bridge over the CSX railroad that's in this project, and there is money available in the Bridge Fund where we could pay for the bridge with 100% local money. That's estimated to be about \$1.5 million. Combine that with about \$1.8 million in the Road and Street Fund, with the \$6.5 million in Federal funds, we could do the whole paving and grading and the bridges all in one contract, and avoid the problem where we had the time delay on Lynch, where the paving contract lagged behind the grading contract. So, long story short, several years ago the plans for University Parkway were split into a paving contract and a grading contract. This supplemental is set up to combine them all into one contract again, as well as pay for increased costs associated with this design, because the original agreement for this design was signed on September 17, 1990. So, we've basically been getting billed for 2002 rates on the basis of a 1990 agreement. Needless to say, we're using up the amount not to exceed in the contract pretty quickly. So, this supplemental covers both of those issues. It combines the contract all into one construction job, as well as updates the fees to current rates that Bernardin Lochmueller charges. So, with all that, it's recommended this supplemental be approved, so that we can proceed with getting the whole project out for bid in one contract.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: We are proceeding with the right-of-way acquisition on that job. So, depending on how all the condemnations proceed, hopefully, we can get this out for bid at the end of the year. The last item I've got was in regard to the addendum to the environmental for Section III of Lynch Road that Commissioner Fanello gave me last week. This was just an update for the new alignment of Lynch to miss the E & B Paving plant. I see no reason why Vanderburgh County needs to comment on this, so I just wanted to let you know that. Do you want this copy back?

President Fanello: Sure. Thanks.

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

President Fanello: Anybody got any questions?

<b>Reggie Haskins: County Highway</b>
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President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. I'm filling in for Ralph. He had some personal business to attend to. I hope you got his reports. I don't have any new business to present. I'll try to answer your questions to the best of my knowledge.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: I have one question, and I don't think you'll know, Reggie, and that's all right, but last week we had the question about the truck bidding, and I just wanted to see if we had that resolved?

Commissioner Mosby: I think Ralph's got one of the attorney's looking at that.

Commissioner Mourdock: Okay, so then nothing to note tonight?

Commissioner Mosby: Nothing that he knows tonight. He's got Rob Faulkner looking into it.

President Fanello: Okay.

Commissioner Mourdock: Okay.

Philip Hayes: I can say that it has been reviewed, and I've reviewed that material. I don't have any questions concerning the legality of the bidding process, or of the manner in which it was received here and interpreted.

President Fanello: Okay.

Philip Hayes: So.

President Fanello: Are there any other questions?

Reggie Haskins: Thank you.

President Fanello: Thank you, Reg.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: I have no report.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: I don't have anything except my weekly reports.

President Fanello: Does anybody have any questions? Okay.

Commissioner Mourdock: Were you able to get a hold of Mr. Shepherd to confirm his appointment to the Advisory Board?

Steve Craig: I left a message. I had sent him a packet with everything, explaining it.

Commissioner Mourdock: Okay. Very good.

**SWCD & Ozone Officer Reports**

President Fanello: Okay.

Commissioner Mourdock: I'll move entrance of the Soil and Water and Ozone Officer's reports into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Brad Ellsworth: Community Corrections Report**

President Fanello: As an amendment to our agenda here, we do have one office holder report, and that's the Sheriff on the Safe House. He is ready to give that report.

Brad Ellsworth: Sorry. Good evening, Commissioners. I appreciate the opportunity to speak before you on the Safe House. I'll try to be as brief as possible, which might not be the case. What I thought I would do first is go through a little history lesson on some of the things. We took over the Safe House, the day-to-day operations in August of 1999. I thought what I would do first, for the benefit of Commissioner Mosby and Fanello, I would go over some of the things we completed since that time. Then I would give our first 30 day transition, and then I have some other reports that I do want to distribute to the entire Commission. I broke the first report into three areas. Under facility improvement, as you know, with thanks to the Commissioners and the Council, I think we have all the roofs replaced on the building by a legitimate roofing company. I don't expect that they are going to blow off again, from what we found from the old roofing company. So, we think we are under a good roof now. We've renovated the old phase one, after several years of being under a blue tarp, we've renovated that, and it's now occupied by, I believe, 30 inmates. It's probably the showcase dorm, and a true example of direct supervision dorms. I wish all of our dorms over there looked like this. We've added, with User Fees, steel fire escapes. Before, as you know, they were wooden. I'm just guessing that a wooden fire escape is probably not the best thing to escape by, so we've now placed steel fire escapes on the building. We removed a fuel storage tank, if you remember, the Safe House operated out of, they had their fuel hauled in, and there was no check and balance system on who used the fuel and what vehicles they were filling. We then changed that over to the current City-County contract, and they fill at the stations just like everybody else. Out of User Fees, we had termite problems also, and out of User Fees we added routine pest control to the tune of about \$13,000 or \$14,000 to drill the holes around the exterior of the building to put the termite bait, and we think we've solved the problem through that. Fire Code compliance, since the day we took over, John Buckman has come out several times, and we are working very hard to come up with everything. Some areas are over sprinklered, and some areas are under sprinklered. So, we are working with them to do that. It's pretty costly on the sprinklers, like I said, some places tell us we have way too many, which can't hurt, but in some places we are not

adequately sprinklered. So, we're working on that. We've modified office space for Medical and Case Managers. Like I say, we've bought new steel bunks and detention grade mattresses. As you know, before a lot of things were made out of the 2' by 4' or 2' by 6' pine wood, and just residential mattresses. We use now metal correctional bunks and mattresses. Gradually painting and repairing between rain storms all interior areas. I believe without all the rain storms, like I said, with the roof, I think we are okay now. We've cleaned and repaired the outside of the building, parking lots, and now before people get weekend passes, they are now expected to have that parking lot clean of any trash that's accumulated out there is picked up. Repaired all the bathrooms, and repaired the kitchen area. Under personnel, we reviewed all the jobs. When we first took over, one of the first things we wanted to do was review all the, and change the job classifications through the Job Study, the Commission, and the Council, with their approval, and reduced the approximately 35 different job titles, at that time, down to 14. We added a Medical Educator to provide personal health care and maintenance programming, and I'll highlight that in just a few minutes. We changed from a multi-person inmate management system to a single Case Manager assessment. Which that person, the Case Manager, is now responsible for tracking the people through their entire stay at Community Corrections. It gives us a much better check and balance system. We are now sending all new employees, and gradually sending existing employees to the Indiana Law Enforcement Academy. This is the guards, for one week, the same that the jail guards are going through. If, in case, we have an eventual merging of those two systems, all will be trained. That was one of the things that was recommended, more training for our employees, and they are getting that. Provided substantially larger amounts of variety of training, including IALA, CPR, First Aid, Handcuffing, Medical Safety, Crisis Intervention, and the Use of an LSIR, which I will highlight later. Providing increased programming to participants. I know Commissioner Mourdock was interested in that, and I'll go into that in a little more detail in just a minute. We've increased the collection of User Fees by nearly 100%. I think that's important, because we also stopped with the dissolving of the Jobs Program, Inc., we lost a certain amount of income because we used to mow the cemeteries with the state and along Highway 41, but we have increased the User Fees by nearly 100%. We feel we've corrected the budget and financial aspects of the operation. Everyone is paid within the ordinance. There are no stipends out there at all. There is no other hidden salary items. All employees are paid from one single funding source in the account. That's not what we found when we got there. We had people being paid out of three and four different accounts. Under Other, we have a new computer data management software, allowing for better management of participant information, increased (Inaudible). You should be now receiving your report that tells the inmate's name, cause number, Judge, and the charges, and who's out there. So, it should give all of you, I think you probably all received that by e-mail starting this week.

Commissioner Mourdock: I did, but I couldn't open it for some reason.

Brad Ellsworth: Okay, I'll get with you on that, if I can. New computers, new 800 megahertz radios giving all our vehicles and road crews, giving them instant communication with the complex, dispatch, Sheriff patrol vehicles. It becomes critical, we were taking participants and inmates out on work crews, and for them to have, we needed them to have emergency communications. So, we were able to buy them all radios. New radios in the facility itself, so that guards and supervisors can talk to each other without traveling the whole length of the building. We changed the uniforms at the Community Corrections Center, that identically match those in the jail. Again, if we would future merge, it's a much less expensive uniform,

and would then be very similar to those in the jail. We re-wrote the grant for the first time. What, we think was a total re-write in many years, and we feel we saw a large increase. I know it's not what we want, but it was a good first step. We received new vehicles, and we've also, and you may have seen this, there was a lot of people who wondered who was in the white vans out on 62 picking up trash, and we've now marked those. You may have seen them with the huge Community Corrections signs down the side, which now tells the public who's out there cleaning those highways. I think that's good for the whole county. We've also tightened the participant placement requirements. We surplussed much equipment no longer used. I smile when I say that, because first we took out about 24 dumpster loads of, what I call, trash to get down to what we thought was useable, or sellable items. As you know, about a month ago, we gave you a \$9,000 check for the General Fund. We turned back over a parking lot that we were paying rent on two blocks away that we no longer use. We stopped the rental of that for no reason. It was being rented for no reason.

Commissioner Mourdock: I have never heard of that one, Brad. What parking lot was this?

Brad Ellsworth: Two streets away we rented a parking lot for overflow parking for the participants. That was no longer necessary. There weren't that many people out there driving, and we had been paying for a couple of years without it's use, and it was just further away the participants could sit and not be supervised. So, we halted that lease. We removed the Brink's services, that's now done, saved some money by, it's now done by uniformed police officers. We helped with the Commission to negotiate a food service privatization of the food service. As you know, I think we made the paper about that, there is no more back yard barbecues. It's now handled by the same company that does the jail. We think we saved two employees for the county that way, and it's now handled by a professional food service, at a reduced cost. We are currently implementing written standard operating procedures in accordance with the standards established by the American Correctional Association and the Department of Corrections. We've negotiated the union contracts more closely resembled to the detention contracts in case of a future merger, and we would like to do that even this year when that contract is up, is to get that even closer. We've reduced the number of AWOL's at the facility. Did I bore you all to death? We've reduced the number of AWOL's to a number that from they didn't know how many AWOL's they had when we took over, to we think there is in the low 20's right now. People that we still haven't found. Many of those we know are deceased, or I shouldn't say many, a few we know are deceased. A few we know where they are, in a state they won't go get. The rest we don't have any idea, but we've gone from over 100 down to 20 something.

Commissioner Mourdock: And those are not AWOL since you've taken over the program, but those that were on the list once you took it over?

Brad Ellsworth: We do still have some AWOL's, Commissioner Mourdock. There are people that still leave from there, but with that there is an immediate police response. When they do go AWOL, it's immediate. They are immediately put in the system. They are immediately gone after and looked for by our department.

Commissioner Mourdock: Of the 20 that are currently outstanding, or approximately 20, how many have occurred, just so I have some basis of measurement, since you all took over?

Brad Ellsworth: There are, let me check the record. I may have that in the report. Further back in the report. **(Tape flipped to other side.)** There are times when we tighten the restrictions, people walk away. Of course, that adds, usually to an additional escape charge, and usually adds to their woes, you know, when they are just mad at us for not giving a weekend pass or something, they walk off and then pick up an escape charge. So, that's that mentality. We feel we've improved the information being presented to the Advisory Board. We've increased the participation of the Advisory Board, and we would like to continue to do that. We substantially increased our use of community based providers, health care and counseling, and I'll talk about that in a little bit. We are now providing DOC with accurate quarterly, semi-annually, and annual reports. We no longer mow city cemeteries or state highways. We established strict community service program guidelines, and it's only for government and non-profit only. We tightened the use of passes and participant liberties. We've increased the law enforcement presence with the help of the Commission and the Council, and added two sworn deputy Sheriff's to the staff. We feel that helps a lot. We've increased the effectiveness of the supervision in the scheduling. Added juvenile monitoring and electronic home detention. This was one of the recommendations through PMSI's report, and at no expense to juvenile court, we now have, or are doing the monitoring for 15 juveniles on electronic bracelets. We will be installing a records imaging system to cut down on the need for filing space, enhance record security and retrievability. We've implemented the use of an LSR report. That's a participant assessment system. We've worked along with the detention center to become a pilot county, one of three in the state, to do offender DNA testing and cataloging. If you don't know what that means, basically, we're taking samples from the inmates at the Safe House there, so they don't get lost when DOC does it. If they don't go to prison, we're missing the chance to take DNA samples, which has solved many crimes in the aftermath. We've successfully worked with the community transition program, as you know, we sued the state over that, but we are taking those back, and it is working quite well. I would like to now pass out, and, Madelyn, I will give you my copy when I'm done, if that's okay. I won't go through all these, but I will highlight the areas, and I've got them numbered, just to let you know what you are going to look at tonight, when you go home and want to read this. The first paper clipped item is the 30 day transition report. Like I said, this is more for Commissioner Fanello and Mosby to catch up on what we found in the first 30 days, when we took over Community Corrections. The second document is circled number two are the recommendations from PMSI Corporation that what they thought we needed in Community Corrections. The first recommendation, the grant submitted to the Indiana Department of Correction be re-written with additional funds requested for expanding, restructuring and implementing programs for adult and juvenile offenders. Which we've done. PMSI recommends that a risk/needs assessment instrument be utilized for placement, classification and assessment of adult offenders. The LSI, and we immediately implemented that, and have been using that for several months now. I've heard through the grapevine...I can run them all out, I promise. We've been using that for several months now, and I heard that DOC made the comment that we were not using the LSI, which is untrue. PMSI recommends that a screening committee be formed and a report be issued to supplement the pre-sentence investigation phase of sentencing to provide the court with more information regarding referral's appropriateness for community supervision. We are in the process of talking it out with the Judges. PMSI recommends that the Advisory Board plan and approve a disciplinary code. They are writing that right now. PMSI recommends that Standard Operating Procedures should be written and implemented for all programs. That's been done, and continues to be done. That is no small task, and we are continuing ever since the day we took over writing SOP's for the program. PMSI recommends the staff

receive documented classroom training as well as on the job training when employment is begun. That's being done with both the guards, as well as the professional employees. The fix-it people. PMSI recommends that field visits to offenders on electronic monitoring/home detention, the field visits begin immediately, and that's been done, and we do have verification officers out making trips, and doing verifications. They recommend that weekend passes for home detention/electronic monitoring should be abolished, and that's been done, effective last week. PMSI recommends restructuring of the fee schedule, and that has not been done. We thought that we wanted to get the finances straight first, and know where we were, and get all the books to balance before that, and that's one thing we would like to look at in the next year is a sliding scale on the fees, if we continue the operation. PMSI recommends that statistical data be completed monthly, quarterly, and annually as required by the Department of Corrections and reviewed and approved by submission to the Department of Correction by the Advisory Board. That's being done. PMSI recommends that the Advisory Board use the American Correctional Association's performance based outcome measures to monitor the performance of the work release program. That's being done. PMSI recommends the Advisory Board assume responsibility for Vanderburgh County Community Corrections program as the Community Correction statute requires. We continue to work towards that. Document three, and I promise I won't read through this like I was the other two. Document three is the new statistical report that we will submit to you that should summarize the list and the numbers, and you will be able to page through that and see the number of hours worked. As you can see, Richard, on that first page down there, facility AWOL's, first of the month, 41, new, nine, captured, five, at the end of the month 45. There is a lot of other good information in that document; number of Community Service hours worked to see just how much trash we are picking up. It also lists in that report the places we are doing Community Service back through there and all the different agencies that we help through Community Service at Community Corrections. I'll let you look through that at your leisure. The next, item number four is a report for the Advisory Board on Medical Education. Like I said, when we rewrote the job descriptions, we thought that the main charge was to make these people (A) that they pay back society for what they've done wrong, and (B) to hope to make them a better person and to fit back into the community and be a better citizen. We thought that adding a Medical Educator for both the staff and the participants was a good idea, and it's proved to be not only a good idea, but the best thing we've got going out there. I'll mention the lady's name, Lavon Wood. We hired her in April of last year, and before she was there six months she'd won a state award from the Indiana Association of Community Corrections at counties, had won their top award for implementing new programs at community corrections. If you look through there, you will see how many classes she has held, and that was just in the second half of 2001 for all the participants as well as the staff. As you can see, at about page three, self esteem, anger management, a lot is medical, but it's things that are going to save us, as taxpayers, money down the road. The same things that makes them make poor decisions in committing crimes, are things they make poor decisions about in their health related fields. It's all intertwined there. You can also see classes for employees. Document number five is the upcoming, and this is, like I said, this is going back, is the upcoming in-service for participants at Vanderburgh County. It gives you who those, this document is important because it tells you who Lavon is bringing in to teach these classes. This isn't her teaching them, she has been charged with going out into the community and finding the people who are already doing the good work, and bringing them into Community Corrections. It's worked wonderfully, and she is making some wonderful strides in that area. When you look through that and you see, at times, held for U.S.I. , we've collaborated with the U.S.I.

School of Nursing, and they have standing appointments over there where their nursing students come in and do health assessments. They won a huge grant based on the program that they modeled here at the Safe House and at the Vanderburgh County Jail. Document six is staff in-services. Like I said, PMSI recommended it, and I know we wanted to increase the staff training out there. As you can see, there is in-staff training, and as we continue out there, we continue to do more training for both the guards and the Case Managers. Document seven, again, is going to be the 2002 medical classes for the participants, and you will be able to go through that at your leisure. Lavon's done such a good job, that the next document you see is number eight, is the participant in-services for 2003. So, she's already got it planned out into next year, and is always adding to that. Several months after Lavon was hired, we hired a gentleman named Brian Holtz, and his charge was to do approximately the same thing she was doing, go out in the community and find the services that we need, non-medical related, to help these people become better citizens in our community. Check writing, job skills, besides paying back, let's make them better able to function in society. Brian has done a good job too. He's been here less time, but if you'll page through nine, these are just some of the people that he's collaborated with and is bringing into the Community Corrections. He's not responsible for all of these, but he's taken it on. We now have in-house GED classes, which was never there before. We've graduated, I had a list of how many graduated to date, but we've graduated probably close to 25 since, have received their GED at the Community Corrections Center since we took over. We're now back in good graces with the Literacy Center. We've now got in-house NA and AA, which were not there when I was there before. Before any participant could go to AA or NA outside the complex, they have to participate in those classes in the complex. Catholic Charities has done services, or done classes for us. One of our main providers is the Southwestern Mental Health, Stepping Stone, like I said, AA and NA. We've got a meeting this week with Dr. Wooten at Mulberry Center, and we are going to look at doing some strengthening family classes with him, so that the participants can bring in their families, because when we return them into society, they are going to go back to their family, and they are going to need the support system there. Workforce One, we are sending people, these are all services that are out there in the community that we don't have to pay for, and that's one of the things that I can stress, that with Lavon Wood and Brian Holtz as charged, other than the GED, we haven't had to pay for any of these classes that we are putting on. As you can see, there is some AA schedules in the back. That is a summary, and I guess that wasn't too brief, but a summary of where we are taking this, and what we think is important, (A) that they repay their debt to society for whatever their offense was, and (B) that they do Community Service, and (C) that we make them better when we return them to, and their sentence is done. I would entertain any questions, suggestions or anything you want to know about that.

President Fanello: Anybody have any questions?

Commissioner Mourdock: Brian Holtz, is he the former priest?

Brad Ellsworth: Yes, he is.

Commissioner Mourdock: Okay. Just trying to put a face with a name there. You said several things on the program side that remain of interest to me. You said we've got 25 people now who've gotten the GED's since you've taken over the program. How many are actively involved? I know there tends to be people who get in that program, then they drop out, then they get back in, I mean, is there—

Brad Ellsworth: I think there is three or four, there is two that have received already in 2002, and I want to say eight that are actively working on their GED, to my knowledge. Richard, I don't know, I know two have gotten it in 2002, that's on the, in Brian's report there. Actually, I got an e-mail, because I checked on that today.

Commissioner Mourdock: Okay.

Brad Ellsworth: I think he said eight.

Commissioner Mourdock: Do you have any idea how many people in the program are currently without a high school degree, that would otherwise qualify to be involved with that program?

Brad Ellsworth: No, I don't. I could find that out.

Commissioner Mourdock: Yeah, I think that's an interesting thing to know, is to see how many we could otherwise steer into that program that aren't necessarily working on it. The other point I would make, and it comes back to, I think, the second section of things that you went through with the PMSI recommendations, as far as the Advisory Committee, one of the things, you'll recall, we did that we put a lot of emphasis on back a couple of years ago, was setting up the standards as far as who would be going into the Safe House. What comments do you have regarding how the Judges have worked with you in making, in sticking to the criteria that were established by the Board?

Brad Ellsworth: We've noticed some that didn't fit, and usually, and if you remember what the criteria was, that they wouldn't bring them back unless they articulated in the minutes why they were overriding this suggestion, and what we did. There have been some that we called back and said, our screening committee, that these people did not fit, and some were taken out, and some were left. So, we're working with the Judges, and more recently there has been more interest in that by the Judges. I met with them last week, and we are talking about doing something at the pre-sentence stage, had a session on the pre-sentence stage now that pre-sentence is given to us, we then make a comment that this person is eligible for placement in the Safe House or he is ineligible.

Commissioner Mourdock: It's my recollection, which is never 100%, but if a Judge was going to override what the Advisory Board put in place, or if he wanted to override, was not the program that that Board comes back together to review what he wanted to do?

Brad Ellsworth: I think we were going to advise the Board at the next meeting was what my recollection is of that. Not that they convene the Board to say yea or nay.

Commissioner Mourdock: I thought it was yea or nay. You are saying it was advise, and I thought it was advise and consent, and, obviously, one of us is right and one of us is wrong. It would be worth checking out.

Brad Ellsworth: I could check the minutes

Commissioner Mourdock: I know, I've heard and always have concerns, and that's why I tried to download what Eric sent, and was disappointed when I couldn't bring it up, but I wanted to see who's out there and what the charges are.

Brad Ellsworth: Right.

Commissioner Mourdock: Because that was one of the, when you took the thing over, that was one of the biggest issues—

Brad Ellsworth: Right.

Commissioner Mourdock: —was we had people out there that the State was the first to say that we had Level A and B people out there that shouldn't have been there.

Brad Ellsworth: We still do. There are still some charges that, you know, would be shocking when you see them, but when you look, and I've talked to the Judges about this, when you look at the story behind just the name and the charge, there is an explanation there. They don't fit the ill...they don't make it illegal. They fit within on direct placements. There is also bring backs, and that's where they can articulate.

Commissioner Mourdock: The bring backs meaning—

Brad Ellsworth: They've served somewhere, and they are returning to Community Corrections.

Commissioner Mourdock: Yeah, through the law we sued over—

Brad Ellsworth: I'm sorry?

Commissioner Mourdock: —you are saying? Through the, you are saying they are sent back—

Brad Ellsworth: Well, they go to prison for an amount of time, and then brought, and then their sentence is amended, and brought from prison—

Commissioner Mourdock: Okay.

Brad Ellsworth: —back to Community Corrections.

Commissioner Mourdock: Alright. Well, again, for maybe David and Catherine's benefit as much as anything, but that was the real hot point—

Brad Ellsworth: Right.

Commissioner Mourdock: —where you had some of the meetings of the Advisory Board was to make sure that this Board did not, again, get in the position it was in when I first joined the Board, where we had had somebody who ended up being away from the facility where he was supposed to be, and ended up committing a pretty heinous act, and we ended up getting sued for (Inaudible. Talking over each other.)

Brad Ellsworth: I know length of time was the second half of that. The (Inaudible) committee went and brought back, and, I mean, we did reduce that some, maybe not enough, but the length of stay was the second half of that, how long they were staying.

Commissioner Mourdock: Yeah, because we didn't want people sentenced out there for more than two years, I believe, is what the committee decided on, and yet there were some that had been sentenced there for 20 years.

Brad Ellsworth: Right. I think now it sticks to do three on direct, and no more than two on a bring back, is what it's supposed to be.

Commissioner Mourdock: Please, definitely keep us advised, and I will try to download that thing again. Maybe talk to Eric and figure out what the problem is with it.

Brad Ellsworth: This new computer print is really going to help us in that area, providing good, good facts to you all, and to the DOC.

Commissioner Mourdock: Final word, I would encourage you to keep the Advisory Board fully apprised on this one, because that was one of the comments too through the PMSI situation, is that we had an Advisory Board in place, and rather than just dump the project on the Sheriff, certainly, part of the concept was that we wanted more people who were involved with the Advisory Board to help make the decisions. You actually work for them in many aspects, and that's why they need to be informed.

Brad Ellsworth: I know we had some new appointments this year, and, you know, I have given some input on some of those appointments, so, yeah, new and I think some of those being good Board members, and should be very active.

President Fanello: How often does the Advisory Board meet?

Brad Ellsworth: It's monthly, unless there are just no agenda items, and then we will cancel it. I hate to bring that group of people together if there is nothing to discuss.

Commissioner Mourdock: But it hasn't been meeting monthly.

Brad Ellsworth: No. It's scheduled now.

Commissioner Mourdock: When is it? Have you picked like the first Thursday of the month or what.

Brad Ellsworth: It's the third Thursday, I believe.

Commissioner Mourdock: The third Thursday. Okay.

Brad Ellsworth: 4:00.

President Fanello: Is there any other questions?

Brad Ellsworth: You just thought you were getting out early tonight.

President Fanello: Thank you, Sheriff.

Brad Ellsworth: Thank you.

President Fanello: Appreciate it.

Madelyn Grayson: May we make a tape change please?

**(Tape Changed)**

<b>Consent Items</b>
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President Fanello: Okay, Consent Items. Are there any questions on the Consent Items?

Commissioner Mourdock: I think there is one amendment to be added, Tammy, the thing you brought in late. You said that was a correction of one that was in the previously submitted file, is that right?

Tammy McKinney: Right. That's how I understood it when Sandie gave it to me today, that it was a correction.

Commissioner Mourdock: With the correction then, I'll move that we amend the original file, with the correction that was submitted late.

Commissioner Mosby: I'll second that motion.

Commissioner Mourdock: Then I will move approval of the Consent Items.

Commissioner Mosby: I just had one question. Did you ever ask Marsha about this Sarasota, Florida deal? (Inaudible) we pulled it out.

Commissioner Mourdock: She gave a narrative, at least there's a narrative in my packet that wasn't there last time.

President Fanello: It's not in—

Tammy McKinney: (Inaudible. Mike not on.)

Commissioner Mosby: It's not in mine.

President Fanello: I don't have one either.

Commissioner Mourdock: It was not stapled on the back?

President Fanello: Uh-uh. While you are looking over that, Suzanne, on the Maximus agreement, do you know off the top of your head how much money we are able to get back?

Suzanne Crouch: Last year we receipted in \$144,000 into the General Fund.

President Fanello: Thank you.

Commissioner Mosby: That doesn't really answer my question, but I'll second.

President Fanello: Okay. So ordered.<sup>1</sup>

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<sup>1</sup>Consent Items Listed on Page 28.

**Scheduled Meetings**

President Fanello: Scheduled meetings. We have the road hearing next Monday. I can't believe, are we doing that a half hour before our regular meeting?

Commissioner Mourdock: It's just part of our regular meeting.

President Fanello: Or is it part of our regular meeting? Okay, thank you.

Commissioner Mourdock: We do not have Executive next week, right?

President Fanello: No. Are there any other scheduled meetings?

**Old Business**

President Fanello: Old Business. I believe we were supposed to hear the rezoning thing tonight. Was that not true?

Commissioner Mosby: It's been pulled. It's going back to APC.

President Fanello: Okay.

Commissioner Mosby: I received a letter in the mail, so.

Philip Hayes: Yeah.

Commissioner Mourdock: I was told before we got started that we were not going to—

Philip Hayes: Do you want to, I was trying to speak to him, he's at City Council right now, but he seems to imply that he may be, he may be asking for an action from this meeting. An action of sending it back.

Commissioner Mosby: Well, I'll make a motion we send it back to APC so they can attach a use and development.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Philip Hayes: I think that would take care of it.

President Fanello: Is there any other Old Business?

Commissioner Mosby: I mean we can't act on it if they are going to amend it, so, yeah.

Commissioner Mourdock: Old Business, just a question. I had sent off another list of questions to United regarding the site location. Did either of you have any dealings with them at all this week?

President Fanello: I have a meeting set up with them Wednesday morning.

Commissioner Mosby: You're gone.

Commissioner Mourdock: Okay. You didn't hear anything from them?

President Fanello: No, I haven't, no, and I've got some questions myself. So, would it be, would that be okay for you if we, if I address your questions at that meeting?

Commissioner Mourdock: Sure, I'll forward my questions over to you.

President Fanello: Okay. Would you, okay, you can send them e-mail.

Commissioner Mourdock: One of them was simply in regards to what we talked about last week, where whatever allocation they have as footage, that they go ahead and get back with me--

President Fanello: Yeah, I would like that question answered also, so, if you don't mind, I can address those Wednesday morning.

Commissioner Mourdock: Sure, okay.

President Fanello: Because I wanted to talk with them about how we are proceeding with the site and stuff.

Commissioner Mourdock: Tammy, if you would, send me an e-mail first thing in the morning to remind me to send you the questions back to forward to Catherine.

President Fanello: Mentioned that under scheduled meetings, but you just reminded me. Any New Business, or Old Business, you had an item, David.

Commissioner Mosby: Yeah, Old Business, and I don't, is this in everybody's packet? Or did I just get the original copy?

Unidentified: (Inaudible. Not at mike.)

Commissioner Mosby: Okay. The sewer deal that we are working on out on Jobe's Lane, I've got a letter that needs to be sent to the State Budget Director, which would be cc'd to Jonathan Weinzapfel and Senator Larry Lutz and Representative Pat Bauer from the Ways and Means. I did speak with Jonathan this afternoon on the phone, he has written a letter to Ms. Cockrum too, and he has also talked with Pat Bauer. Briefly the letter just says;

We, the Commissioners of Vanderburgh County, need your assistance on an emergency public health safety issue. Within our county there has developed a threat to the public health and safety. This threat concerns a residential neighborhood with a contaminated wells caused by an antiquated and malfunctioning septic system.

I'll be okay.

These contaminated wells cannot provide safe drinking water to the residents in the area. Additionally, sewage regularly flows into a pond and lake in the neighborhood. Residents have cut earthen channels into the ground to divert the surface sewage run-off. This neighborhood contains families with children. School buses drive in this area, potentially exposing scores of children to unhealthy and unsafe bacteriological contaminants contained in the surface sewage

discharge. Due to the lack of safe and clean water supply, these residents and their children are forced to bathe in water that is unsafe to drink. The County Sanitarian and the IDEM field officer are currently evaluating possible solutions to the health hazard. The County Commissioners are in the process of hiring an environmental engineering firm and a financial advisor to assist the county in developing optional financial solutions to this problem. Preliminarily, the best option available appears to be connecting the neighbors to the utility. The neighborhood is outside of, but approximate to the Evansville corporate limits. The greatest barrier to the implementation of this option is it's cost. This is a very poor neighborhood. Similarly, the county's resources are limited. Preliminary estimates place the cost of connecting between \$150,000 and \$200,000. We would like to request approximately \$150,000 to \$200,000 of funding from the State Budget Agency Supplemental Drinking Water and Waste Water Assistance Fund. It is our understanding that this program has approximately \$20 million of funding remaining. The County Commissioners have agreed to act as a conduit for the grant and or loan funds that can be obtained for the project. Funding this project will improve the health and safety of men and women and children in the neighborhood and it's environment. Funding this project will clean up the worst environmental emergency in Vanderburgh County. Funding this project will bring environmental standard in the neighborhood up to standards enjoyed by the other residents of Indiana.

We need to get that up to the State Budget Director. So, I would make a motion—

Commissioner Mourdock: Let me be sure. The fund you are requesting that from, it would actually be a grant?

Commissioner Mosby: Yes. We're trying to get a grant, is what we are trying to do. Our understanding is this fund has about \$20 million in it.

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: So, if some way we can pull this off, it will be a grant, and the neighborhood will not be subject to any financing. Otherwise, if we can't get this, then we are going to have to go to a low interest loan type deal, maybe on some 2% ,money or something.

Commissioner Mourdock: I'm thinking of everything else that we keep reading about with the State's budget situation. What is our plan B?

Commissioner Mosby: Plan B?

Commissioner Mourdock: Yeah.

Commissioner Mosby: Low interest loan. I mean, it's, unless somebody comes up with something different.

Commissioner Mourdock: Yeah, as we spoke of this the first night with it, we have, well, we need to be careful of the precedent we set here. With this letter, understanding that this is targeted for that grant, I'm still not optimistic at all that the grant will be received, but I've been surprised before, so, did you make a motion?

You read it.

Commissioner Mosby: Yes, I just make a motion that we accept this letter and get it up to Ms. Cockrum at the State Budget Director's Office.

Commissioner Mourdock: Second.

President Fanello: So ordered. So ordered.

Commissioner Mosby: Well, we'll all have to sign it. Give it to Madelyn.

<b>New Business</b>
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President Fanello: Are there any other New Business? I've just got one small thing. We received some information from the National Association of Counties, and the week of April 7<sup>th</sup> through 13<sup>th</sup> is National Government Week. So, Patty and I have been trying to come up with some possible activities we could do that week, and if either one of you come up with something that you think might be beneficial, but we are thinking about an open house at the Old, open house at the Old Courthouse. Possibly, if we could get some of the schools to maybe schedule a tour. Sherman Greer was going to do something on emergency preparedness. Also a possible coloring contest for the children. It would be a drawing of the Old Courthouse, and we are...did you get a chance to talk with the person I asked you to talk to who could do that drawing?

Unidentified: (Inaudible. Not at mike.)

President Fanello: Okay. Okay. So, if there is any other things that you guys can think of that week, it would be beneficial, and a good opportunity for us to promote the Old Courthouse.

Commissioner Mosby: I was trying to listen to Susan's suggestion.

President Fanello: I don't think that's good for the children.

Commissioner Mosby: I'll do the adult tour.

President Fanello: You'll do the adult tour. So, I'll take suggestions, but Patty's trying to get this lined up with the schools and stuff. So, if anybody has any other comments. Anything else?

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:47 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Burdette Park

County Clerk

Election Office

Prosecutor  
VCCC

German Assessor Knight Assessor  
Public Defender

Sheriff Department

**Travel Requests:**

Health Department  
Treasurer

Perry Assessor  
SWCD

Knight Assessor  
County Clerk

**Auditor:**

Maximus Agreement for Professional Consulting Services.  
Submit Monthly Financial, Cash and Expenditure Report.  
Submit Accounts Payable Vouchers.

**County Clerk:**

ACH Agreements with Integra Bank.

**Treasurer:**

Submit monthly report.

**Sheriff:**

Submit Weekly Jail Information and Reports.

**Those in Attendance:**

Catherine Fanello  
Philip Hayes  
Madelyn Grayson  
John Stoll  
Steve Craig  
Members of Media

David W. Mosby  
Suzanne Crouch  
Doug Knight  
Jerald Jones  
Brad Ellsworth

Richard E. Mourdock  
Tammy McKinney  
Phil Lawrence  
Reggie Haskins  
Others Unidentified

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
March 18, 2002**

The Vanderburgh County Board of Commissioners met in session this 18<sup>th</sup> day of March, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right Tammy McKinney, Superintendent; County Attorney, Phil Hayes; Commissioner Mosby; myself, Commissioner Fanello; to my left, Commissioner Mourdock; Suzanne Crouch, County Auditor; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of minutes from March 11<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Judge Knight: Court Case Management System Upgrade  
Project: 0102-23016**

President Fanello: Judge Knight.

Doug Knight: We're back, again. I guess, still looking for the best advice. I think, maybe, all of you have had an opportunity to look, in more detail, at the report that ACS helped us put together, which, I think, is a complicated report, but they've really done an excellent job. I don't know what I'm doing wrong here, but, at least I'm here. The dollars of it all seem to be set out on page seven, and I thought if there were any questions concerning how that is broken down, I would be happy to try and answer those. I know that the issue of bids, or bidding, is important to all of us in this room. I think, I wish Marsha Abell could have been here again tonight, but she's in Florida looking at a touch screen voting system, I believe, that is chadless. So that might, it's good that she's there. Carrying forward from something that I said the last time I was here, she's writing a huge number of these checks that have to somehow turn into 1099's at the end of the year, pardon me. She showed me a sheet of one day's worth of those checks, and it was, I calculated in my mind about 150 checks a day she is writing. So, a delay of 60 or 90 days would mean that she is going to be writing about 9,000 to 13,000 checks. So, I, that's a sense of urgency that is involved in this project.

Commissioner Mourdock: If I understand it right, Judge, and correct me if I'm wrong, the request that you are asking for, that's just a very small part? I mean, everything else that you've had, as far as the requirements for speed in the courts system, is really what's driving the request that's here, more than the 1099 situation? Or am I wrong?

Doug Knight: Originally, that certainly was the case. As, and so, as we started to implement this project, we didn't feel any time constraints of horrendous proportion. When Marsha got the news about the necessity of writing all those 1099's, she became extremely alarmed about the speed with which the upgrade was going to roll out. That really created our focus, on an emergency basis, if you will.

Commissioner Mourdock: Okay, well I sat in the Clerk's Association Meeting the other day up in Lafayette, and a number of the Clerk's up there were talking about the 1099 situation as well, and, quite honestly, the first I had ever heard of it was when you mentioned it at the podium last week, and I got an earful on Thursday. I heard several of them also talking about some fairly simple, and less expensive software conversions that they might be able to pick up to do that. I'm not necessarily saying that's what's applicable here, but I just want to understand what's driving the buggy here. Is it—

Doug Knight: I would have to say, if that, if you ask me what's the most urgent part of this puzzle, I would say the 1099's. Now, on the software that might be workable, I'm perplexed about what that might be, because all of this works off of our application program that we use in the court system, called Court View, and I don't think Court View would allow anybody, a third party vendor to modify their software application in any way. I don't know that it would work with Court View one way or the other.

Commissioner Mourdock: I don't know either, and I realize not every county uses Court View. There is other software out there that they may be attaching to more easily. I don't know.

Doug Knight: I think two, in the state, or three, use Court View.

Tim Van Cleave: (Inaudible. Not at mike.)

Doug Knight: Three counties in the state.

Commissioner Mourdock: Only three do not use? Or do use?

Doug Knight: No, that do. That do use Court View.

Commissioner Mourdock: Okay.

Doug Knight: Hopefully, it will become a standard for the state, I think. One of three, at least.

President Fanello: I'm still a little confused about the 1099 thing, because that's not a new issue. 1099's for attorney's actually started—

Doug Knight: Last year, I think, in July.

President Fanello: It was longer than that.

Doug Knight: Was it?

President Fanello: Uh-huh. It's been probably about, I want to say, two or three years ago.

Doug Knight: I don't know the answer to that.

President Fanello: Because I remember having to do them my first tax season at Wright Consultants.

Commissioner Mourdock: All the Clerk's--

President Fanello: Is that something--

Commissioner Mourdock: --they were all acting as if it was new to them--

President Fanello: Maybe it's--

Commissioner Mourdock: Apparently there's been just a ruling that applied to the Clerk's--

President Fanello: To the Clerk's.

Commissioner Mourdock: --that has not been previously out there, because all across the state it is a--

Doug Knight: Well, if it's been out there that long, I'm just positive we've complied.

President Fanello: I'm sure we have.

Commissioner Mourdock: Always a good statement to make on record, yes.

President Fanello: Well, like Commissioner Mourdock, I wish we could maybe explore a possible less expensive alternative, if that's the main driving force. I realize there is other issues in here, but maybe if those other issues weren't as urgent, those could be budgeted for over time. I don't know.

Commissioner Mourdock: Are the 1099's, is that issue something that needs to be worked out this tax year? I should know the answer, I know.

Doug Knight: Yes. It's going...there's no question, from what I've heard Marsha say, and it makes good sense. She's going to have to hire extra people to get all the 1099's out at the end of the year. I thought I heard her say, or inferred from what she said, that it would be about four, possibly five, people working full time for a month. Now, you know, what's not an emergency, in some sense, but yet is, in another sense, is the age of these desktops. They're now some four years old, some of them. I know mine goes, rrrrrr. Now, that's not a very scientific diagnosis of what's wrong with it, but it did that once before and the fan, or the motor burnt out and I lost a lot of data. So, I suspect, and I'm not what I'd say, I'd say I'm an industrial user, but I know that other units are breaking down, and we are on a time and material basis now. Nothing is under, 80% of them are not under warranty.

President Fanello: I have a question for Suzanne. I guess, whenever you do checks to attorneys, that's in no way related to our FASBE, so it doesn't show up on our FASBE system?

Suzanne Crouch: No, no.

Commissioner Mourdock: You had five alternatives listed in the presentation that was put together, and the one that you seemed to building towards, and then kind of discarded, was the idea of the hybrid, where you replaced, did an overall analysis of every system that is out there, and then came back and tried to upgrade where necessary. Tell me again why that is not the better of the alternatives? If you like—

Doug Knight: Tim here knows that answer.

Tim Van Cleave: Good evening. Tim Van Cleave, Computer Services. The reason, one of the primary reasons to lean away from the hybrid solution was the ongoing maintenance costs, and the total cost of operations, were the two bullet points, if you will, for leaning away from the hybrid solution. Mostly the maintenance costs ongoing. If we don't replace the equipment out there, we will continue to have those units failing, and continuing to increase the maintenance costs that we have to budget for each year. The hybrid solution, basically, would not take us all the way back into the mainframe time period, but the centralized server concept is very similar to the mainframe, where the desktop unit becomes less functional in the client server role, as is the centralized computer that everybody's talking to, and then that centralized computer handles all the communications between the actual data base server and the application servers.

Doug Knight: (Inaudible. Not at mike.)

Tim Van Cleave: Yes.

Commissioner Mourdock: Tim, have you checked to see, on the 1099, did you just hear of this as well, just in the last week or ten days? The 1099 situation?

Tim Van Cleave: The 1099 was an issue that we had to address last year, but the IRS only made us report for July 1<sup>st</sup> through the end of the year. So, the amount of checks that had to be processed was, you know, half. So, they were able to produce a rough number, and the IRS was happy with that, because last year was not required to be performed, but it was one of those items where the IRS suggested heavily that you comply. This year it is not an option. You must comply.

Commissioner Mourdock: When they did it last year, they did it outside all the software? Just did it manually?

Tim Van Cleave: The Clerk's office used some of Computer Services resources to extract checks from the data base. Those checks were then gone through manually to determine which one's were written to attorney's, and which one's were not.

Commissioner Mourdock: Since that process took place last year, have you looked, at all, to see what sort of compatibility, or what licensing could be done with Court View that we might have some patch out there that would work with our system?

Tim Van Cleave: We could certainly do it manually again, but the, it would be a duplication of effort, if you will.

Commissioner Mourdock: Yeah, that's not what I'm asking here. I realize it can always be done manually, but we did spend—

Doug Knight: The upgrade does it, I think.

Tim Van Cleave: The upgrade does it. Where, basically, inside of the application you push a little icon (Tape Flipped) here's your 1099 file. Whereas, the other method is using somebody, the Computer Services resources, which, as we all know, is an issue before the Data Board, that we have to use those resources in order to extract the file that then has to be processed by the Clerk's office, within a four week period.

Commissioner Mourdock: Okay, but short of going to the upgrade, not that we wouldn't, perhaps, want to do that anyway, is there any other way of getting these 1099's without all the hardware changes, and everything else that you've put together?

Doug Knight: (Inaudible. Not at mike.) I didn't understand the question.

Tim Van Cleave: I understand the question to be, is there another way without performing the upgrade?

Commissioner Mourdock: That's correct.

Tim Van Cleave: Obviously, we could pursue the same process that we did last year, but, obviously, the Clerk would need...I don't know how the Clerk would handle that with her existing staff.

Commissioner Mourdock: But, the upgrade that you are talking about, is an upgrade of the entire Court View system? It's not just an upgrade including that one small package that deals with the 1099's?

Doug Knight: Right.

Tim Van Cleave: Correct. We are presently nine releases behind. This summer we will be ten releases behind. We presently have, if you would like to see them, I didn't bring the notebooks, but the release notes right now are roughly that thick of items that we do not have.

Doug Knight: That does bring up another sense of urgency in this project that, in the past, our users would call Court View's help desk, and say we've just discovered this problem, that problem, whatever, and now what they are being told is, well, we're not going to fix that because it's taken care of in the upgrade. Just upgrade, and you've got your solution. We are not going to make any special effort to patch or fix that problem. We've already done it in the upgrade.

Commissioner Mourdock: When did we get Court View? That's only like a year and a half ago.

Tim Van Cleave: '99.

Commissioner Mourdock: Was it four years ago?

Tim Van Cleave: Four years ago.

Commissioner Mourdock: Has it been four years?

Tim Van Cleave: Yeah.

Commissioner Mourdock: That was, what, a million two, or a million four, something like that?

Doug Knight: The upgrade is free. Now, well, there's installation overhead, time and that kind of thing. The other thing—

Commissioner Mourdock: Wait a minute, let me pursue that, because I want to make sure I understand it. The upgrade is free, but—

Doug Knight: It takes his time.

Commissioner Mourdock: It takes his time—

Doug Knight: —and Computer Services' time.

Commissioner Mourdock: —and what you are suggesting here is that we go through all the hardware anyway.

Doug Knight: That what?

Commissioner Mourdock: That we add all the hardware anyway.

Doug Knight: We have to add the hardware, because the upgrade won't run on the existing hardware.

Commissioner Mourdock: Right, yeah. So, let's not use the word free too much.

Tim Van Cleave: The technicians—

Doug Knight: Spoken like a true salesman. Free.

Tim Van Cleave: The technicians that came on site to do the first step in the upgrade, gave a very significant concern that courts would come to a slow down, or to a point where it would stop. The Judge felt that stopping Misdemeanor court and Criminal court was not in the best interest of anyone.

Doug Knight: Or Small Claims, you just couldn't do it that way. We did, when we started Court View we were underpowered, if you will, in Juvenile court, and they just about went nuts trying to get something done there. They were standing there waiting for minutes for a screen to change. That was bad.

Tim Van Cleave: What the Judge and the County Clerk did was try to evaluate all the possible solutions that were before them, and take a look at the five year plan they were working on to bring back to the Commission. So, they took a look at the five year plan, they took a look at immediate needs, and they took a look at the projects that were presented to Data Board this year. Once they determined that the cost of this project, just to replace the desktop equipment was going to go beyond what was budgeted for them this year, they began to look at what other projects could be funded over this three year period that Compaq said they would offer the 0%

financing for, through a lease. So, we took a look at the different projects and began to bundle those projects in.

Commissioner Mourdock: You make reference in your written presentation about going to the Council before coming here. Have you had any discussion with Councilmembers?

Doug Knight: We have. Not since the last meeting. We're coming back at their next meeting.

Commissioner Mourdock: Good.

Doug Knight: That was their first look at it.

Commissioner Mourdock: Okay.

Doug Knight: You know, another sense of urgency also, and that is we're in Version 1.X, and when they come out with Version 3.X, I think there is a concern about whether they are going to support, at all, Version 1.X. The industry standard, from what I hear, is you support the current version minus one. So, if three comes out, and you subtract three, or one from three, I always get two, and we are in Version One. So, there could be, all of a sudden, a concern that we would like to avoid. May I say one other thing? On this chart here, the, I made these lines A, B, C, D, E, and F, but line A, desktop replacement, that is \$306,000 for 250 desktop units, or computer units. If we replace, and the reason that we, (Inaudible) if you go down and pick up B, Software Distribution Solution, that's a \$50,000 cost for a total of \$356,000. What's interesting about that is the labor for the desktop replacement is \$18,000. If we didn't get the Software Distribution Solution, that labor cost would go up another \$157,000, because that Distribution System allows Tim's people to not have to be so labor intensive with each unit. If we didn't have the Distribution System, that one line there, which costs \$50,000, and they had to replace 250 desktop units, at approximately \$2,500 a piece. That's hardware, plus the labor, the time of putting each unit together. That would come out to \$625,000. That's the first thing that I noticed, that if we just went out and bought 250 desktop units, and distributed them, and used his time as the labor costs, we would have spent the \$625,000 and not had any of these other advantages that come along with the plan that he has put together. I got excited, and thought he did an excellent job in putting that solution together. That's about all I've got to say.

President Fanello: I think the question before us is whether we are going to agree with just signing a lease. I see it as a lease situation or a bid situation. So, I mean, it's up to the Council whether they want to appropriate this much money for a project, but I personally think it's a bidding situation, and would like to see you go out for bid. That's my personal opinion. After looking at the state purchasing laws, I would defer to our County Attorney after everyone has had a chance to speak to see if he concurs with that, but I just see it as a bidding situation when we are talking about this much money.

Commissioner Mourdock: David, did you start to say something?

Commissioner Mosby: Has the Council funded this?

Doug Knight: The Council has only funded \$125,000 of this. Under this lease arrangement, Compaq is willing to accept \$125,000 this year, and give us all 250

desktop units and put everything in place, but they need a commitment, and that's why we started this process. That the money will be there in year's two and three to pay off this \$625,000.

Commissioner Mosby: That's my question, I mean, I don't see how we can either lease or bid, either one, without knowing that the Council is going to commit to this. I'm sure Compaq's not going to like it if they commit to the first year and not the second and third.

Doug Knight: No, they wouldn't.

Commissioner Mourdock: It's kind of a chicken and egg here as far as you're concerned. I mean, you want to get us to agree, and Council is going to want to know that we're on board, and we're going to want to know that they are on board. I guess, just one comment regarding the bid situation though, when it was three or four years ago, and we did go out, and it was quite a team of people put together and looked at, as I recall, something like a dozen different courts packages. There was a lot of time and effort put in, at that point, and this one system, it may sound strange to say it tonight, but this one system was seen as being the superior system to all of them. It wasn't anything inexpensive, by any means, at \$1.2 million. It seems to me, if we say we are going to go out and bid it, then we are setting all of that aside and starting over. Where at least here, that software is just a reasonable upgrade, so.

President Fanello: But we're not really talking about....I thought the upgrade is not what we were talking about. We're talking about hardware, correct?

Commissioner Mourdock: We're talking about both really.

Doug Knight: It is both. It's, that's the project, is the upgrade that now requires the—

President Fanello: But why couldn't we bid out the hardware?

Tim Van Cleave: It's—

President Fanello: There's only one—

Doug Knight: Well, it's more than just the hardware. There are certain configurations, including this Distribution Solution, and the Connection Solution. It's a unique combination of the Citrix server, and I'm screwing this up I know—

Tim Van Cleave: Actually, you're very close on target.

Doug Knight: Okay. Good enough for judicial work. Be close. Oooh, but it is that uniqueness of it. The way it comes together, with the Citrix solution as part of it, the desktops as part of it, and some of the other parts that I just don't know scientifically.

President Fanello: So, I guess, what I'm understanding is that only one person makes this piece of hardware then?

Doug Knight: That puts it all together.

President Fanello: Is that true, Tim? I mean, am I understanding that correctly?

Doug Knight: Single source, is that what we are saying?

President Fanello: I'm just asking if there is only one person that provides this hardware in the United States?

Doug Knight: Oh.

Tim Van Cleave: There has only been one vendor that has stepped forward and said that they can provide everything that was on our list, but did we go out and do an exhaustive search? No, we did not.

President Fanello: Okay. I mean, I guess, that's, you know, my question. Is there a way to check out and see if there is other people who might be able to provide, and might give us some kind of estimate of costs?

Doug Knight: It would be going out for bids to do that, I think.

President Fanello: Well, I—

Tim Van Cleave: We would, basically, be performing the bid process if we did.

President Fanello: I just, when we're talking about \$625,000, unless it's just somebody that we absolutely know is a single source vendor, I mean, that's just my personal opinion.

Commissioner Mourdock: Can you report back to us next week. I know there is a sense of wanting to expedite this, but can you report back next week as to what might be out there by way of other vendors? If, in fact, there are other fits for this for the hardware component?

Tim Van Cleave: I can certainly try. Because, usually, when you start talking about this dollar amount, vendors are normally pretty willing to respond.

Commissioner Mourdock: Yeah.

Doug Knight: With, I can do that.

Commissioner Mosby: That would be my preference that we just look to see if there is other hardware, and if we can, bid it. I don't have a problem with the project, depending on Council funding.

President Fanello: I guess, if you'll just do what you can over the next week, and let us know.

Tim Van Cleave: I can certainly contact the IBM's of the world. IBM is out there, I'm sure that they can duplicate most of the items. HP is another vendor, and they have value added resellers that I'm sure that they can duplicate most of the services. As far as whether they can handle the communication lines between this building and the other court building at 501 John Street, that may be the tricky part, but we can certainly evaluate that. If that would help. Show that we don't need to go out for a bid.

Commissioner Mosby: Do we need a motion? Do we need a motion to defer until next week?

President Fanello: I'm going to add one more thing to what you said a second ago about Council funding. Before I sign the lease, I would want to know that the Council is going to not have a problem funding it for—

Commissioner Mosby: I would suggest that you go ahead and go to the Council, and then if you're asking me, yeah, I'll sign the lease. I'll sign off on the package, once we know we're getting competitive bids, but I would suggest you go ahead and go to the Council and see if they are going to fund it before we go through all this, and then the Council says, no, we just don't have any money. So, that would be my suggestion.

Doug Knight: We're on the agenda at their next meeting.

Commissioner Mosby: I knew it was probably either getting close or past, so that's why I said that.

Doug Knight: We were there last meeting, and my perception was that they were favorable.

Tim Van Cleave: They advised us to come here.

Doug Knight: We were coming here any way.

President Fanello: Thank you.

Madelyn Grayson: May we make a tape change please?

**(Tape Changed)**

<b>Election Office: Changes in Polling Places</b>
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President Fanello: Election Office, changes in polling places. Okay.

Tony Bushrod: What we have is the polling places all in place, due to the redistricting, based on the 2000 census. We got them as convenient as possible for the voters. Of course, there will probably be some complaints, but we did the best we could, and now it's up to you all.

President Fanello: Thank you.

Commissioner Mosby: What kind of complaints?

Tony Bushrod: Well, you know, you can never satisfy everybody.

Commissioner Mourdock: Complaints will be I voted at that other place for 25 years, and now it's some place different.

Tony Bushrod: Right.

Commissioner Mourdock: Who's responsible?

Commissioner Mosby: Well, I mean, that's what I was wondering, what kind of complaints?

Commissioner Mourdock: That's what we'll get.

Tammy McKinney: I think, I think they were running into problems where some places weren't handicapped accessible, some places didn't want to do it again.

Tony Bushrod: Right.

Tammy McKinney: I know one church had joined with another church, so that wasn't even a place anymore. I think they were running into problems like that. That's where we had to look elsewhere, for other polling places.

Commissioner Mourdock: Have we looked at all these sites to make sure they are handicapped accessible?

Tony Bushrod: The new one's and the one's that have been used in the past, you know, they would meet the qualifications.

Commissioner Mourdock: Okay.

President Fanello: How many, do you know off the top of your head how many changes we had?

Tony Bushrod: No, I really don't.

President Fanello: Well, and, I guess, you're sending letters out and trying to make sure we get everybody informed for the changes?

Tony Bushrod: Right. They will get new cards. The one's that are affected, they will get new cards.

President Fanello: Okay.

Tony Bushrod: Then there will be some things printed in the newspaper, from what I understand.

President Fanello: Okay.

Tammy McKinney: What I think is going to happen, is once the Commission approves the changes, I will send out those forms to Indianapolis. Once they approve them, then they will send out the cards.

Tony Bushrod: Right.

Tammy McKinney: So we know it's (Inaudible. Someone coughing.)

Tony Bushrod: That has to be done by April the 8<sup>th</sup> to the Election Division.

Commissioner Mosby: I guess, outside of the new registers and the people getting cards, if a precinct polling place has been changed, are you going to mail to that precinct?

Connie Carrier: To the voters.

Commissioner Mosby: Yes.

Tony Bushrod: Yeah, to the voters.

Commissioner Mosby: To the voters of that precinct saying your polling place has been changed?

Tony Bushrod: Right.

Commissioner Mosby: I mean, rather than just a newspaper article.

Tony Bushrod: No, they will get a new card.

Commissioner Mosby: Okay.

Tony Bushrod: And it will tell where their polling place is. We plan on stamping the cards.

Commissioner Mosby: Okay, let me ask you this, even if the polling place hasn't changed, and their precinct hasn't changed, or the precinct hasn't changed, I'll say, if the polling place itself changes, are you going to mail to them?

Tony Bushrod: Yeah.

Commissioner Mosby: Okay.

President Fanello: A letter, not just the card? They will get an individual letter?

Connie Carrier: It will be a card.

Tony Bushrod: It will be a card, and it will have their polling place on it.

President Fanello: Not just the regular card we get when, our voters card, but—

Tony Bushrod: Yeah.

President Fanello: Okay, but I'm not sure that that's going to bring it to everybody's...a lot of people, to be honest, don't pay attention.

Commissioner Mosby: If the precinct wasn't changed, I'll say the number wasn't changed and the boundaries weren't changed, but the polling place has changed, you would have no reason to mail them a new card. So, what I'm saying is are you going to mail them a post card saying your voting place has changed?

Tony Bushrod: We hadn't planned on it. We can.

Commissioner Mosby: How did you plan on notifying them?

Tony Bushrod: With the voter registration card, which we mail out. When a person comes in to register to vote, they get a new voter registration card. On that it tells them, you know, where their polling place is. We plan on stamping that, you know, with the stamp telling them that their polling place has changed, you know.

Commissioner Mourdock: I'm confused now.

Commissioner Mosby: Why would you be mailing me a new card if my...if I'm already registered, and my precinct number hasn't changed—

Tony Bushrod: If it has changed.

Commissioner Mourdock: Well, okay, let's go back then, I'm saying if the precinct number does not change, and the precinct boundaries don't change, but the polling place changes. Why would it be a new card? It's not a new registration.

Connie Carrier: The polling place is on the bottom.

Commissioner Mosby: Okay.

Commissioner Mourdock: So, you would send them a new card as if they were just newly registered because it has the new polling place?

Tony Bushrod: Right.

Commissioner Mosby: That hasn't been done in the past.

Commissioner Mourdock: I think it has been done in the past, because your polling place is always on your registration card.

Commissioner Mosby: I know polling places that have changed in the past, and they didn't mail out new cards.

Commissioner Mourdock: They should have.

Commissioner Mosby: Because I know of some precincts that that happened to.

Connie Carrier: Don't they do it doing redistricting?

Commissioner Mosby: A polling place could change next year.

Connie Carrier: I know they don't do it then, it's just at the Census, during the redistricting.

Commissioner Mosby: Polling places can change and you don't have to redistrict. You only have to redistrict every ten years. Polling places change every year. I mean, I know precincts that don't change, but people decide they don't want you voting there anymore—

Commissioner Mourdock: That's true, and I'm not going to say that there has never, ever been a case when someone did not get their card, but it's my recollection the way we've had these discussions in the past, like you say, a polling place can change any year, and when that's happened, I think there has always been the effort to send the card out. Because on the card, I mean, your voter registration card has your polling place. So, it should have gone out. So, like I say, I can't swear there hasn't been somebody fall through the cracks at some point, but at least that's—

Tony Bushrod: Right.

Commissioner Mourdock: —what the process has been.

Commissioner Mosby: I'm just wanting to hear them say it.

Commissioner Mourdock: Raise your right hand.

Commissioner Mosby: No, I didn't say swear. I just want it on the record.

Commissioner Mourdock: Okay.

Tony Bushrod: Any other questions?

President Fanello: Yeah, any other questions?

Commissioner Mourdock: Is the percentage of voters who are affected by either changed precincts or changed polling places, can you give us just a rough guess as to what percentage?

Connie Carrier: How many voters?

Commissioner Mourdock: Yeah.

Connie Carrier: 45,000.

Commissioner Mourdock: Are affected by changed polling places?

Tony Bushrod: Right.

Connie Carrier: I think it's like 45,252.

Commissioner Mourdock: Give or take a few, huh?

President Fanello: Any other questions?

Commissioner Mourdock: We have to, obviously, accept these polling places by motion here. So, I'll move that we accept the polling...I do have one question. I did notice one of the precincts, I think it was in Pigeon, where there is no polling place. Pigeon One and Pigeon Two.

Commissioner Mosby: No precincts, I don't think.

Commissioner Mourdock: Nobody in it? Okay.

Commissioner Mosby: No, I think that's the two that they had to do by design, but there is nobody in them.

Tony Bushrod: Right.

Commissioner Mourdock: Okay. Then I will move approval of the polling places as submitted to us.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you.

**Site Selection Discussion**

President Fanello: Okay, next item on the agenda is site selection discussion. A couple of things. I met with United last week, and we should have some, we don't have any information back today, but we should have some information back tomorrow. I'll get that distributed as soon as we get it. We do need to pick a geo-tech consultant to do the soil borings. They gave me the proposals, and I think I left them back on my desk.

Commissioner Mourdock: I'd call the low price vendor, if that's the issue.

President Fanello: The lowest price vendor was like \$4,800.

Commissioner Mourdock: That was (Inaudible).

President Fanello: Yes. Yes, so if that's okay, they wanted to go ahead and see if we could go ahead and make the motion to get that started.

Commissioner Mourdock: I'll move the approval of the geo-technical work for the Civic Center locations to the low bidder as recommended by the architect.

Commissioner Mosby: Were all these recommended by the architect?

Commissioner Mourdock: Pardon?

President Fanello: The low bidder was fine with the architect.

Commissioner Mosby: The low bidder? Okay, that was my question.

President Fanello: Yeah, it was fine.

Commissioner Mosby: If the architect was okay with the low bidder. If that's the case, I'll second that.

President Fanello: So ordered. Are there any other questions or discussion?

Commissioner Mourdock: Did they give you any time frame when they would come in and do that work? Because we will need...since they will be doing some drilling in the various parking lots, we will need to just make sure they coordinate with the Building Authority.

President Fanello: I know, I think I asked them in the meeting. Two weeks, thank you. Approximately two weeks.

Commissioner Mosby: I don't know that I really have, I mean, I don't have any questions on the site, of course. Maybe that we ought to set a meeting with the County Council, possibly the President or the Finance Chairman, and at some point in time, go over and make a presentation to the City Council. I'm basing this off the article that I read this morning in the paper. I see all this garbage, I'll call it, in the newspaper, and so much of it I don't feel is true. I'll start out by talking about, you know, the parking garage, and having to build a parking garage. It's obvious that we have to build a parking garage, but I don't think anybody knows how big we have to build the parking garage. I was given information today that told me we have aisles

in the parking garage back here on the back 40 that are 28' wide. You only need 18'. So, if we go through and re-structure the parking lot itself back there, I was told you can get 125 plus parking spots just out of the ground surface back there. You know, and I read this in the newspaper about a parking garage costing between \$7 million and \$12 million, well, if you only have to build a parking garage for 300 or 400 cars, I don't believe it's going to cost you \$7 million to \$12 million. You know, I look at the County Council, and the Finance Chairman automatically wants to rule out the back 40 and say that we can't afford to build a parking garage, so that site's out of the question. You know, my question to them, is do you want to spend \$3, \$4, or \$5 million on another site? Do you want to add that to the cost of this project? Or would you like to look at building maybe a \$3 or \$4 or \$5 million parking garage, which we need down here regardless, if you put the jail back here. I think these are all questions that have to be answered. Everybody is shooting in the dark, pulling numbers, and I think it is causing the project to get somewhat out of control that it shouldn't. I don't think, you know, all parties involved really know all the answers, and should be, maybe, given more information or asking more questions. I just think that we need, at some point in time, to have a meeting with the County Council, I'll say the President and one or two others, to meet with one of the Commissioners, so that there is not a majority or a quorum in the meeting. It doesn't have to be advertised. I think there needs to be some information relayed. I have spoken with the Mayor. I told the Mayor once we get the sketches back that we are waiting on, we would, I would be more than glad to meet with him again, and look at vacating Ninth Street, and the possibility of using the back 40 and building a parking garage. As to what costs or expense? We have no idea yet. So, I just think we need to communicate with the County Council, City Council, and the Mayor, but I think that communication needs to come with the City Council when we know what we are looking at, we know the site. I can understand any Councilman's concern if this is going to be built in their district or ward, and I don't have a problem with communicating with them Councilmen. I don't know of any Councilman that really wants this in their backyard. I would hope that by putting it on the back 13.7, as we have referred to it a couple of times, that it would save a lot of people in this community a heartache. If we don't put it on the back 13.7, then everybody in this community can wonder where it's going. I mean, I've had calls as late as last week telling me that Builder's Square on the Lloyd Expressway is available. Wanting to know if I wanted to buy it. I don't know if that's where we want to put the jail. I don't know if the Lloyd Expressway at Builder's Square... I had two people out at the far west side call me and tell me they had 30 acres plus for sale, if we want to put it out there somewhere. I know there is still people with sites at Kentucky and 41 that would like to sell them, and others. So, I'm trying to save a lot of problems here, and I guess confusion out in the community at this point in time. I would like to see us maybe meet with the County Council one on three, if that's what they want, I know they can't have four for a majority, but I wouldn't mind seeing something like that happen.

President Fanello: I would just like to make a couple of comments. I did speak to Councilman Winnecke the other day, and asked him, because if, you know, this site is the site that's been chosen by the Commission to explore. You know, I did a little digging myself over the past week, and asked quite a few people out in the public what they thought, and they thought this was the most logical site to start with. Until, you know, United proves otherwise, or you know, the site survey proves otherwise, this is the most logical choice to look at first. Because of the convenience to the courts, transportation issues, and security issues. My thought is, I would like to send the Council a letter and, you know, if they, I guess, don't like the site that we've chosen, I would like to know what their opinion is of where we would put it, and give

them the opportunity to give us a location. I think we're doing our job here, and granted there is a parking garage that is probably associated with this, but like Commissioner Mosby said, that parking garage will have other benefits besides just the daily parking of the city and county employees. I guess, I would like to send them a letter and just ask them to respond, and if they want to come to a consensus on a site that they would like for us to go out and buy, I would be more than happy to do it.

Commissioner Mourdock: My turn. What you said at the outset there, Catherine, I certainly agree with, as far as I think this is the first logical choice. As far as I'm concerned, it ought to be here until I have some real sound reason why it shouldn't be. I'm never so foolish as to say absolutely, positively this is the way it's got to be. If there is some geo-technical work, or some other work that demonstrates to me that this isn't the place, then I'm going to be flexible and say we need to go somewhere else, but regardless, or maybe instead of either having a small meeting or sending a letter at this point, I feel like probably the more logical approach is let's just keep going the way we are going, see what the geo-technical work comes back, and if, in fact, it comes back to the point where it looks like the footprint will fit on this property, and the geo-technical says that it's okay, then I think maybe a full, joint meeting, as we've done with the Council in the past, where the three of us can present the arguments as to why it needs to be there. We've made an investment by that point, in at least the cost of the geo-technical work, and whatever else the architect has done for the footprint, and I think at that time is when, hopefully, the three of us as a united body can sell this site to them. I think that should be done in a full meeting.

President Fanello: I don't disagree with a word you're saying. I think that's very, very good. My only concern was us going out and spending money or wasting time and then just to hear that they are just not going to approve it all because of the parking garage issue. That was my concern. Just wasting time and wasting money. I don't disagree with a word you're saying.

Les Shively: (Inaudible. Not at mike.)

President Fanello: Yes.

Les Shively: I have a comment on the site.

Commissioner Mourdock: Come to the mike.

Les Shively: Or I could wait till towards the end, whatever you want me to do. It will only take a few minutes.

Commissioner Mosby: This is site discussion.

President Fanello: You might as well come on.

Les Shively: (Inaudible. Not at mike.)

President Fanello: This is a public meeting.

Les Shively: For the record, my name is Les Shively, and I'm still representing 21<sup>st</sup> Century Corrections Corporation. Be real brief, because I have to be at another meeting in Chandler here in a few minutes. Relative to the article in this morning's

paper, and this proposal was available before I saw that article, there was a location mentioned on Old 41, behind the House of Como there, which is a former retail area. Approximately 15 acres, give or take, you take out the easements and such, and the right-of-way that's been acquired for the county and city and state roadways. 21<sup>st</sup> Century Corporation has a proposal, and I'll give it to you in writing here.

Suzanne Crouch: Les.

Les Shively: I'm sorry. Simply, there are 15 acres located at the site, I believe the correct common address is 2600 Kentucky Avenue. 21<sup>st</sup> Century Corrections Corporation would propose selling it, or leasing it, I should say, to the county for \$1. That would be approximately 10 acres for the jail site, subject to the, I'm sorry, offer for sale for \$1, conditioned upon the county entering into a lease arrangement for the balance of the land of about five acres for the county's community correction facility.

I know this is fresh, you haven't heard this proposal before, and so it's new to you. We're leaving a period of 30 days for purposes of, you know, we'll do our due diligence to find out if the existing building can be converted to a suitable community corrections facility, and what the lease arrangements would have to be in order, you know, for that to work, and whether the county could afford to do that. Again, if we could work out suitable arrangements for community corrections on that five acres, the balance of that land could be made available for a jail site for a nominal fee to the county. Yes, this is another sale and lease/back arrangement, and we've been waiting for an opinion from the Attorney General. We have one now. The Attorney General, the three questions that were posed to the Attorney General were; number one, can a county enter into an arrangement for a new jail complex whereby a private company constructs at the private company's expense a new jail complex, lease the facility to the county on a sale and lease/back arrangement where at the end of the lease term the facility belongs to the county upon payment of a nominal fee? The second question posed to the Attorney General was, if the answer to the first question is yes, is it more commonly, properly done under the lease/purchase statute or the BOT agreement statute? The third and final question was, assuming that the sale and lease/back arrangement can be legally done, is it subject to, and I cite the Code section, the public bid laws. In summary, the answer to the first two questions is yes, yes and the third question, basically, is the option of the local government whether they want to use the public bid process or not. I have a copy of that opinion for your records. Be more than happy to answer any questions you would have about the proposal. I'm sorry, I don't mean to slight. I'm bad on my manners. Sorry about that.

President Fanello: Does anybody have any questions? I'll just give you one comment. I appreciate your proposal. As far as the community corrections deal, I'm gonna, I can't make any decisions personally on community corrections until I realize what's, or hear from the state about what our relationship with them is going to be, as far as them committing to some funding for Vanderburgh County. So that's where, just so you know, that's where I stand. I'm really hinging on what they are going to do.

Les Shively: Let me just say this in summary. The Sheriff has said before, and he is here this evening, and he can correct me. I'm sure he will, if I'm wrong. Security is always going to be a problem unless the jail is actually physically attached to the courtroom. You are going to have a certain element of security and cost involved. So whether it's 300' or a 1/4 mile or a mile, you are still going to have issues. I think the good thing about this location, in addition to the cost or the very nominal cost involved, is the fact that, number one, you don't have to worry about building a

parking garage, not only the cost, but the delay associated with that. Number two, I know Councilman Robinson expressed concerned about that facility being located so close to the C.K. Newsome Center, you don't have that problem. You don't have the problem of vacating Ninth Street and having problems with compensating businesses in the area that may lose their access and viability. You don't have any of those problems. Given this location as a commercial, industrial site, it's one of the few sites in Vanderburgh County that you are not going to have the problems of not in my back yard. In fact, I think, the article in the Courier is correct this morning, Councilwoman Robinson has already said that that particular location would not be, would be a location that her constituents, as far as she knows, would not have any problem with. So, those are some of the other intangibles, if you will. Intangibles which we believe make sense to look at this particular site. I understand the situation. The state ought to help Vanderburgh County out. Vanderburgh County's Community Corrections Program takes a major burden off of the state, but still we have that program in place. I was in that facility for the first time the other day, and ,wow, what an eye opener that was. We definitely need to replace it.

President Fanello: Are there any questions? Thank you.

Les Shively: Thank you.

**Permission to Advertise First Reading of Travel Ordinance**

President Fanello: Okay, next item is permission to advertise first reading of Travel Ordinance. I believe everyone has a revised copy. I made a last minute change, so I would like to make a motion to advertise for first reading. Oh, we do have a change.

Commissioner Mourdock: No, I was just going to say, the President can't make a motion.

President Fanello: Oh, sorry.

Commissioner Mosby: I'll make a motion to advertise.

President Fanello: You're right.

Commissioner Mourdock: I'll second.

President Fanello: So ordered.

Madelyn Grayson: I'll just need a corrected disk tomorrow so we can advertise that.

President Fanello: Patty has that, so she can get that to you.

Madelyn Grayson: Thank you.

**Vanderburgh County Public Road Hearing**

President Fanello: Next item is our road hearing, Ralph Kissinger.

Ralph Kissinger: First of all, I would like to apologize for the confusion on the list. I didn't realize I needed those in my packet, but I got them down as soon as I could Friday morning.

President Fanello: Thank you.

Ralph Kissinger: I'll read the tentative list that I have compiled, and then I am going to ask John Stoll, the Engineer, to come up. He's got some things that he has to add. First of all I have on Wallenmeyer Road from Baseline to Nesbit Station Road. Korff Road from Volkman Road to Baseline Road. Seven Hills Road from Volkman Road to Highway 57. Allens Lane from New Harmony Road to Harmony Way. Allens Lane from New Harmony Road to the dead end. Arrow Head from Echo Hill to the dead end. These roads I'm about to read, they are going to have to have some milling done before we can pave. Still Meadow from Echo Hill to the dead end. That road is in really bad shape. We're going to have to do some milling there. Echo Hill from Koring to the dead end. It needs milling. Little Schaeffer from Koring to Deifenbach. It needs milling. Also Red Bank Road from New Harmony Road to Upper Mount Vernon. That entire stretch of road, we need to mill that. Mesker Park Drive from Folz Road to Highway 65. We've got Cemetery Road from Old Petersburg Road to Baseline Road. There are some sections of Upper Mount Vernon Road that we are going to mill, and it equals about a mile total, between Boehne Camp and the city limits. That's what I have, tentatively, on my list. John, would you like to come and add what you have? I'm going to sit down over here and take notes.

John Stoll: I just had a couple more. We had Old State between Mount Pleasant and the Darmstadt Town limits.

President Fanello: I'm sorry, John, could you repeat that?

John Stoll: Old State between Mount Pleasant and the Darmstadt Town limits. Old State between Campbell and Baseline. County Line up south of Baseline, just that one little segment of County Line that dips inside Vanderburgh County entirely. The request we had there was more in regard to reconstruction of the road, to widen it, because it's, basically, about a lane wide up in that area. So, it's a little beyond the scope of what we typically deal with here, but I was asked to add that in here. Plus, we also had a request for Downen Court, this is off of, a subdivision off of Browning Road. There are two other streets out in that subdivision, Wilmington and Bentwood that were resurfaced a couple of years ago, but Downen was not, because there was some ongoing construction work out there, and now we've received requests for that to get done as well.

President Fanello: Anybody have any questions?

John Stoll: One other one that, it's not really a paving project, but we probably need to do some concrete patching and crack sealing on Vogel Road between the city limits and Burkhardt now, as well.

President Fanello: What now? Say that again? I'm sorry.

John Stoll: Concrete patching and crack sealing on Vogel between the city limits and Burkhardt Road.

President Fanello: Okay.

Commissioner Mourdock: So, you did get one of them.

President Fanello: There was one on the east side. I was just going to ask, is there anything else on the east side?

Ralph Kissinger: There is. I requested that the Engineer's office also put on their list Old Boonville Highway between Green River Road and where it will pick up just short of the extension for Burkhardt Road there. So, when they do extend, they can just taper into it. That is in bad shape, and I think John has gone out and got some footage on that. Or Tom did.

President Fanello: Thank you.

John Stoll: If we don't have it, we can get it.

President Fanello: Okay.

Ralph Kissinger: I've got the footage at the office.

Commissioner Mourdock: Old Boonville east of Green River—

John Stoll: Basically, the city limits is Hoosier out there, I believe, so it would be Hoosier to Burkhardt.

Ralph Kissinger: Right.

Commissioner Mourdock: Okay.

Ralph Kissinger: It's not the full stretch, but it's east of Green River. In that area.

Commissioner Mourdock: Do you know, Ralph, off, comparing what you have projected this year, how that fits with last year? In miles?

Ralph Kissinger: Yeah, I think my total budget for this year is about \$300,000 less than what I had last year total. So, right now I'm about \$100,000 short of what I actually have in my budget, but I'm waiting to get some milling prices back. Some of these roads are figured at 3", 2" of base, and an inch of surface. If we mill, we can get by with an inch of base and an inch of surface, and that will cut the cost, and we can probably add something to the list later. I didn't want to try to make the list long and deduct. I would rather start short and add later, if I have the money.

Commissioner Mourdock: Do you know what we had in total miles last year?

Ralph Kissinger: Total mileage between myself and the Engineer, we paved 33 miles, I think.

Commissioner Mourdock: We're showing less than 12 here.

Ralph Kissinger: Yeah. A lot of those roads were very narrow, short stretches of roads that didn't take near the materials, but John's got quite a bit of paving budget this year too.

John Stoll: We've got what we had last year, basically, \$550,000 of Contractual Work.

Ralph Kissinger: I think with encumbrances and everything, I had a little over \$1 million last year. Like I said, this list can be longer. I'm waiting to get my milling cost, my unit pricing back, so that I can see where I stand.

Commissioner Mourdock: Did you use the same unit pricing for this that you used last year?

Ralph Kissinger: On the asphalt? Yes, as far as asphalt goes. There was a little increase in asphalt and AET material. The tack material this year.

Commissioner Mourdock: Alright.

President Fanello: Last year, I think, did you give us a little map showing?

Ralph Kissinger: Yes, I did, and I can, once the—

President Fanello: Can you do that again?

Ralph Kissinger: —once the, we get the okay on some of these, I'll map everything out and show you exactly where everything, what the money was...this is pretty well evenly distributed. We did an awful lot of work in the northwestern part of the county last year. We are trying to go kind of north central to west, and get some of the more outlying areas toward the east this year. Some of these, like Seven Hills, what is it, Cemetery Road, some of those roads are further out. Wallenmeyer is out that way, Korff. Those are some of the more outlying areas, but the cost, I don't know how much it's going to cost to actually get them done until we get the figures in on the milling and everything.

President Fanello: Okay.

John Stoll: There is another one up in the northern part of the county that we will probably need to take a look at, Bixler Road, north of Nesbit Station. It's starting to show signs of quite a bit of cracking, but I haven't had a chance to really talk to Ralph in any great detail on that one yet.

Ralph Kissinger: I have tried, some of the roads that I thought were marginal, I'm trying to crack seal them, and hoping that I will get enough money in the budget next year to go ahead and do them. Crack sealing is helping, plus the mild winter has made a big difference.

Commissioner Mourdock: Have either of you spoken with Mr. Bittner up there regarding Sensmeier or Schillinger? Remember I brought it up about two months ago?

Ralph Kissinger: Mr. Bittner has talked to me about, which, is that on paving?

Commissioner Mourdock: The one I'm most concerned about is where the slope got down, crossed over the right-of-way line, and basically re-routed his ditch.

John Stoll: Oh, the rip rap request on—

Ralph Kissinger: That's been, the matting and the rip rap have been taken care of. As far as, that road needs some spot paving. What I was going to try to do was try to—

Commissioner Mourdock: How long has it been since you've spoken with him?

Ralph Kissinger: Two weeks.

Commissioner Mourdock: Okay.

Ralph Kissinger: Probably two weeks.

Commissioner Mourdock: Okay.

Ralph Kissinger: He did mention, well, the conversation we had the last time, I took the rip rap as was requested. Delivered it, dumped it where he wanted it. Then he called me back and asked me if we could take a machine out there and place it. I told him that that was not part of the agreement. That I really couldn't do that because it was so far off the right-of-way.

Commissioner Mourdock: Are you talking about in the ditch now?

Ralph Kissinger: Yes.

Commissioner Mourdock: Or along...okay. I'm talking about more the road.

Ralph Kissinger: Oh, you're talking about....that's on Sensmeier.

Commissioner Mourdock: On Sensmeier, right.

Ralph Kissinger: I'm sorry. Sensmeier, we've got that, like I said, we've regraded, we've removed the mat, pulled it up out of the ditch, and regraded it.

Commissioner Mourdock: Okay, and how long has it been since you've spoken to him about that?

Ralph Kissinger: He hasn't called me about it, so I thought he was satisfied with what was done.

Commissioner Mourdock: Alright.

Ralph Kissinger: Has he talked to you about it?

Commissioner Mourdock: He has, but I haven't returned his call. I wanted to find out what your situation was.

Ralph Kissinger: Okay. I don't know, he may be calling you about the other, because he was not happy with the answer I gave him on the other.

Commissioner Mourdock: Well, on the other, I agree. The answer he had told me was he would place the material. So, if we got it out there, that's what we said we would do.

Ralph Kissinger: Yeah, he wasn't happy with it. I just tried to be as nice as I could about that one.

Commissioner Mourdock: Okay.

President Fanello: Are there any—

Ralph Kissinger: Does any one—

President Fanello: Do you have any questions, Commissioner Mosby? Is there anyone in the public who would like to speak on the road hearing? Please state your name.

Barry Mueller: My name is Barry Mueller. I live on North Posey County Line Road. It's a section that half a mile is, basically, on the county line, and the other one mile is all in Vanderburgh County. I appreciate John adding that to his list. In front of my house it's 13 ½' wide. There is a couple of places out there that are basically not safe. I talked to different members of the county, you know, basically to no avail. I guess, my main thing is that, you know, I can only hope that they take the same stance that Posey County did. You know, there explanation was some times it's those little sections of road that, you know, get neglected. I feel, basically, that ours has been neglected. It's not necessarily that the road is in bad shape. It's just that it's not wide enough, and that's kind of dangerous. I would also like to meet with Mr. Kissinger some time, you know, to talk about some other maintenance issues. I'm sure there are some interim things that could be done. You know, we've discussed, I think I've discussed some of them with him. I appreciate, you know, you listening to my concerns. Thank you.

President Fanello: Thank you.

Jerry Jones: I'm Jerry Jones. I live on Lyle Road, 4039 Lyle Road. All this repavement and widening of roads, I'm assuming will it not include elevating Lyle Road? My brother spoke about Lyle Road last week.

President Fanello: I guess—

Jerry Jones: I had talked to John a couple of weeks ago, and he said something about when his site drawing was complete, you know, we had verbally talked to Gary Floyd, Gary Staub, I mean, and once this is done, then we can always add on. For the records sake, I just wanted to see if the Commissioners would have enough money to possibly fund our project at the repavement.

President Fanello: John, did you want to add to that?

John Stoll: Yeah, the plans aren't done.

President Fanello: Okay.

John Stoll: The survey has been, basically, completed, but the plans are not finished yet. The last estimate we did was several years ago, and was about \$60,000. I figure this project would be about like all the rest of them, they would just be prioritized as the Commissioners see fit, once we know what all the needs are out there. So, our first step is, we've got to finish the set of plans before we even know what we are getting into.

President Fanello: Okay.

John Stoll: The problems that we are still going to have to address out there are primarily due to right-of-way. The old road records show that Lyle Road is, basically,

follows a ridge over near the creek, rather than actually in the location that it currently sits. So, we'll have to have some right-of-way acquisition out there. Whether or not, what those costs might be...and I know the Jones' have said that Staub would cooperate in that right-of-way acquisition, but those are all things that could affect any kind of timing on the project. So, between the funding availability, plus the right-of-way needs, plus the fact that the plans are not finished at this point would all play into it, I would think.

President Fanello: Okay. Well, whenever you revise your number here, you and Ralph, can you go ahead and be thinking about that project as you give us a final thing to prioritize.

John Stoll: Sure, we can throw that on the list, and basically try to come up with a cost, but I don't think our cost would be substantially different than what we came up with a few years ago.

President Fanello: Okay.

Jerry Jones: Thank you, John. We're willing to do anything. Like my brother said, we'll give our dirt if need be, you know. Gary has been very, very nice about getting the right-of-way. We had city gas run out there, you know, he gave up right-of-way for them to do that. He just wanted to look at the site plans, and either meet, like, I think, I told you once before with the Commissioners or with John, and sign off on it, so it would be no problem. I hope not. For the record, I just wanted to make sure you guys still had Lyle Road in mind.

President Fanello: We're still thinking about it.

Jerry Jones: Okay. My brother and I didn't leave last week because of a long winded Sheriff either. I thought I'd tell you that.

President Fanello: That's good to know. Thank you. Is there anyone else in the audience who would like to speak to the road hearing?

Larry Kremer: My name is Larry Kremer. I live on Mount Pleasant Road. I'm not here to have the road repaired. I'm here to question why a road repair is being presented as it is? I recently built a home on Mount Pleasant four years ago. I've gotten a memorandum from David Matthews indicating that it's the desire of the Commission to expand Mount Pleasant between 41 and Old State to a permanent three lane road. I guess, our question is, that of the neighbors is, why is it necessary? You know, take more right-of-way, you are in the phase now of a project of additional right-of-way acquisition. You haven't made acquisitions yet. The neighbors that I have talked to question why it is necessary to have a permanent three lane road on Mount Pleasant between 41 and Old State? You are not carrying it beyond Old State over to Darmstadt Road, so it takes more road. We think it's going to be a race track, because of the width of the road. We believe it's going to deteriorate the value of our property. I guess, my question is why is it necessary? Who do we have to talk to review the plans to see the justification for that expansion?

President Fanello: Well, our County Engineer, John. Would you like to give us a little info on?

John Stoll: The intent of the three lanes is to provide left turn lanes into the subdivisions out there. The subdivisions are; Copperfield Subdivision, Deerfield Subdivision, Clear Creek Subdivision. Then also provide left turn lanes at the Old State and Mount Pleasant intersection. The intent was to, basically, be thinking ahead to accommodate all the traffic that will be out there, rather than having the through traffic impeded by the left turns as they stop to make their turn into their subdivisions. So, that was the intent of the project. As far as the width of the road goes, basically, it's going to be a three lane road, like this gentleman said, so I don't remember the exact width, I believe it's 40'. A typical lane width is 12', so assuming it's split either side of the center line out there, it would, the third lane will add about 6' of additional pavement width on each side of the road, both north and south. So, I didn't feel it was a substantial additional right-of-way take, but we do have some temporary easement issues to deal with on his property, as well as everyone else's, because the north side of the road slopes up substantially, in some locations, while the south side, especially along Deerfield drops off substantially. So, while the right-of-way width is trying to be kept as consistent as possible, around 60', we do have some temporary easements where we do have quite a bit of grading work to do. So, that, in a nutshell, is why it's been done the way it's been drawn up to this point.

Commissioner Mourdock: What's the timetable on that, John?

John Stoll: I wouldn't expect that we could get it under contract before the Fall of this year. We haven't purchased any right-of-way as of yet. I would think that would take at least six months, if not longer. So, I would say late this year, at the soonest. It should be a one year project.

Commissioner Mourdock: The current right-of-way, through most of that area, is what? 48?

John Stoll: It varies. Some of it is as little at 16 ½' on one side. Others, where the subdivisions have already been platted, have 30' rights-of-way.

Larry Kremer: I've got 600' of road frontage on Mount Pleasant, and I think mine is 16 ½'. We drive that road everyday. There are three, there were supposed to be three exits to the subdivision that Sterchi's building behind us. There is only going to be two, because the Old State exit, I understand was insufficiently sized to make an appropriate left turn lane. So, they've cut that down to two exits as opposed to three. I guess, our feelings are, driving that road everyday, we don't see the need for a third lane. I personally, and I think our neighbors don't have a problem today, with making left hand turn lanes into our driveways, or into that subdivision. We believe that the addition of that third lane is going to deteriorate the value of the property. We just simply don't see the need for it. We would like to have some discussion as to why that is being pursued.

President Fanello: Is this information that EUTS has info on also? Or is this just something?

John Stoll: On traffic data?

President Fanello: Uh-huh.

John Stoll: Yes.

President Fanello: Okay. Is there, maybe we could set up a meeting. I mean, you are more than welcome to meet with any one of the Commissioners up here. We could meet with John Stoll and anyone from EUTS, and sit down and go over it.

Larry Kremer: If we could make a contact today (Inaudible. Stepped away from mike.)

President Fanello: Alright. Thank you.

Larry Kremer: Thank you very much.

John Stoll: I was going to say that one of the things that EUTS won't have, though, will be reliable left turn data going into some of those subdivisions, because, as it stands right now, I really doubt their traffic model gets down to that level of detail. So, it would be more assumed traffic volumes, where, again, I mean, lots are, in Clear Creek for example, that there are 300 and some odd lots. So, you would just have to make some assumptions on where the traffic is going to and from, as far as coming up with the turn movements at a particular intersection. I really doubt the EUTS model, at least when I worked at EUTS, it didn't necessarily get to that level of detail at all locations.

Larry Kremer: I think the suggestion of having a joint meeting—

President Fanello: I think that would be good.

Larry Kremer: —is appropriate. Thank you.

President Fanello: Thank you.

Ralph Kissinger: I do have one more road that I forgot to mention that needs work. It's going to take some extensive milling. There is about one and one half miles of Old Henderson Road where, it's south of what they call green light curve. Isn't that what they affectionately call it? There is no road there to actually mark it as, but this is a concrete road that's been paved over, and apparently the water's gotten under it and the pavement is coming up. So what we are going to do is try to get that somewhere on the list too, if possible. So, I forgot to mention that earlier.

President Fanello: Are there any other questions?

Ralph Kissinger: What we'll do is go back over my computer program and make sure these figures are correct. I'll get them re-submitted. I'll try to add these roads and see what we do have to work with.

President Fanello: Alright. Thank you, Ralph.

Ralph Kissinger: Thank you.

Commissioner Mourdock: I'll move then that we take the paving plan and the road hearing comments under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

**(Tape Changed)**

**Any Group or Individual Wishing to Address the Board**

President Fanello: Okay, is there any other group or individual wishing to address the board? Seeing none. We'll move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First item I've got is a request for a change order on the Evergreen Acres Drainage Project. This is for an increase of \$1,612. The need for the increase comes from the fact that as the new culvert was placed under Heather Court, where they are putting gabion baskets, which are just wire baskets, little rip rap, they are stacking those up to try and stabilize the banks, and they've found out that the elevation and the slopes don't match right. We need another row of baskets, gabion baskets. So, that's what the need for the increase is, and I would like to request that this be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: I don't have a change order form right now, but when the job is complete, I will bring this back in.

President Fanello: So, I guess, I don't need to sign this right now?

John Stoll: No, that's just to include in the records there.

President Fanello: Did you need a copy?

John Stoll: The only other item I had was in regard to the Bridge Inspection Project. I would like to request approval to hire R.W. Armstrong to do this project. Based on their proposals they have quite a few people who are very experienced in bridge inspection projects. We don't have any on-staff people who are certified to do the bridge inventories.

President Fanello: Okay.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: That's all I have.

President Fanello: Alright. Thank you, John.

John Stoll: Thanks.

President Fanello: County Highway. I just saw Ralph walk out. We'll go ahead, and we'll get back to Ralph.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: The first item we have is that I would like to request that there be permission to advertise the invitation to bid on the O'Day Discovery Lodge. There was a previous request to do that, and through administrative problems the bid, the invitation was not published on the 15<sup>th</sup> of March, and can be published on the 22<sup>nd</sup> day of March. It would require your motion that, and I would like to state that Morley and Associates is represented tonight by Ms. Lamer—

Unidentified: La Mar.

Philip Hayes: La Mar who is here, and if she will just confirm that the dates have been properly worked out with the County Commissioners and with the management at Burdette Park, as far as advancing this one week ahead. It's our understanding that it would require sealed bids to be received until 5:00 local time on the 29<sup>th</sup> of April, 2002, would be the new date, and that the matter would be advertised then on the 22<sup>nd</sup> day of March, 2002. Is that correct?

Unidentified: Yes. (Inaudible. Not at mike.) on March 29<sup>th</sup>.

Philip Hayes: The second publication on March the 29<sup>th</sup>.

Unidentified: Yes.

Commissioner Mourdock: I'll move the advertisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Philip Hayes: We would acknowledge then that by letter of transmittal the balance of drawings and specifications were received in the office of the County Attorney on the 15<sup>th</sup> of March, and they have since been deposited here in the County Commissioners office for review. I have a copy of the project manual, and I'll leave it also with the drawing. The Superintendent of Buildings is handling that matter, and has custody of those. So, I will give that to Ms. Mc Kinney now. Okay, and that's, thank you Ms. Lamer for coming. La Mar, for coming, and we'll see to it then that it gets in tomorrow. We can coordinate through the Auditor's office, Madelyn Grayson for that. I will be glad to help out, anything I can do to make sure it gets done.

President Fanello: Is there anything else?

Philip Hayes: Okay—

Madelyn Grayson: Excuse me. Phil, should that, should that advertisement go through the Purchasing Department since it's a sealed bid? I haven't done those prior to this.

Philip Hayes: The Purchasing Department doesn't have to do that. It's a sealed bid for construction, and the construction management is Morley and Associates. So, but the bids are going to be received here in the office of the County Commission. So, I don't see any particular Purchasing involvement in that construction bid. Unless I'm otherwise informed, I think the process that we've used is appropriate for it.

Madelyn Grayson: Okay, so you just need us to help her get it to the paper, and get it advertised?

Philip Hayes: The way it's been set up, apparently that was the question that was intervened before is to the familiarity of the person that was bringing the advertisement there. We really don't know because we weren't told until after the fact. We didn't know that it didn't run until we saw that it didn't run. So, I'll work with you tomorrow on that, and we can call Lawrence and determine if that's appropriate. If you would like to take that advertisement over there. Okay. Thank you.

President Fanello: Is there anything else?

Philip Hayes: Yes, the packets may not have them, but the city passed version of the proposed MBE/WBE Utilization Board for minority owned businesses and women owned businesses. In the version that passed, the City Council, I've prepared that, and as I understand it, it's your intention to have the matter conformed to County language and be submitted for permission to advertise at the next meeting.

President Fanello: If you can, if you can get to it.

Philip Hayes: I was going to make sure that everybody had copies of those. I know you haven't. I'll just pass those down. That's the city version. It encompasses some changes—

President Fanello: Final version—

Philip Hayes: —that were not apparent before.

President Fanello: Is that it?

Philip Hayes: Then for the record, Willis Corroon has submitted a collection of about \$2,200. It's on an old subrogation case. They note for, the record, that they have already sent about \$500 on that. It was collected over a lengthy period of time. I'll, for the record, then submit then to the County Auditor for deposit tonight. Then, finally, also for the record the Attorney General's opinion which was passed out—

President Fanello: We're not having any discussion on that here.

Philip Hayes: I understand. I simply wanted to, for the sake of the record acknowledge that it's here. I also wanted to acknowledge that it will be submitted as the other written opinions have been to our bond counsel for review.

President Fanello: Okay.

Philip Hayes: That's all the report I have this evening.

President Fanello: Thank you.

**Ralph Kissinger: County Highway**

President Fanello: Ralph, we'll go back to you.

Ralph Kissinger: I apologize. (Inaudible.)

President Fanello: That's okay.

Ralph Kissinger: You have my weekly report. I have a couple of questions for the Commissioners. We are at the time of the year where it's time to spray weeds, and I've gotten some information from the state here lately that in order for anyone in my department to spray weeds now, the State of Indiana requires that they be licensed. There is a work shop in April, and I would like to send one person from the Highway Department, and one person from the Bridge Department, and one Supervisor to this, and get the proper training so that I have at least three people authorized to spray. That way, I think, from what I understand, is once one person on the crew is licensed, they can go out and do the proper mixture, and oversee the job, and the other people can spray. One person on each crew has to be licensed. I will submit those to you with the other information. The other thing I was wanting to talk about, and I don't know if this can be done, I don't know if it's ever been brought up in the past, but a departmental credit card account for these such uses. Such as, we've got an OSHA school that requires some motel, this one requires an overnight stay, it's in Lafayette, that's the closest. We go, of course, it would be done strictly upon the approval of the Commissioners to use the card, but I think it would be most helpful if the departments had these. Just like a couple of weeks ago I had to send some people up into, past Terre Haute to get some crack seal oil, and I actually had to give them money for fuel and get reimbursed for it. Which I really don't have a problem with that, but these situations arise where we could use one. I was going to suggest, if we could get a card and set a \$500 limit on it, and it's to be used only with the permission of the Commissioners after travel requests have been approved. If that would be possible, or if I could look into that and maybe do that somehow.

President Fanello: Can you just use our card? Is it possible to do that? Take our card and use it?

Ralph Kissinger: Yes and no. That's, I would just like to leave it at that for now. Yes and no. We have in the past, but it's very complicated. I mean, the last time we tried to use it we had to get written permission from the Commissioners and signed that we had permission to use the card and use the account. Like I said, if it's going to be a real troublesome thing, it would be one thing, but I have money in my Garage Account that I could pay for it out of that. It's actually used for training and stuff, which could be considered as garage use.

President Fanello: It's just my personal opinion, I, and it's nothing against you personally, but I just hate there being credit cards out there.

Ralph Kissinger: I understand.

President Fanello: Once one department asks for one, then all the departments are going to ask for one.

Ralph Kissinger: I understand. It's something that I had that I wanted to bring up, and it's totally up to the Commissioners--

President Fanello: I mean, I don't know what the opinion is of the other two, but that's just my personal opinion.

Ralph Kissinger: --whether or not they--

Commissioner Mourdock: And I whole heartedly agree. I would call for a roll call vote and a motion. I feel strongly about that. I just...every time I've seen it, it just (Inaudible)--

President Fanello: It becomes a very high...we did it several times--

Ralph Kissinger: Well, I know a lot of the departments carry these gasoline credit cards strictly for fuel. If we could do something like that, or get some kind of account set up with these motels, but just like right now I'm going to have three different places we have to use overnight stays to attend these meetings, and it would be beneficial. The only other thing I have is there is, in the past, I've been asked, in the past, apparently, the items that we surplus it was actually let out that county employees be able to bid on them before they were let out to surplus. Anything that wasn't bid on was surplussed. Is this true, or is it not true? Or has it been a practice in the past? I've been asked by several people.

Commissioner Mourdock: To my knowledge it's not been a practice in the past, and I think we'd have all kinds of problems with it if we did that.

Ralph Kissinger: I agree. I thought it would cause problems, but I wanted to bring it up and find out what the actual...I don't know. I surplus everything.

Commissioner Mourdock: It's a good way to clean out the garage though. Because you would have more stuff declared surplus, and I don't want to go there.

Ralph Kissinger: Okay, that's fine. The only other thing I have is there is an equipment show in Louisville on Thursday, Friday. All it will require is gasoline. I would like permission to leave the county to go on a day trip to Louisville.

President Fanello: Would anybody like to make a motion to that

Commissioner Mourdock: Is that in? Did you give that to us as a travel item?

President Fanello: Is that a late travel?

Ralph Kissinger: No, I did not. All it requires is...it should be enough gasoline when I leave to get back to town.

Commissioner Mourdock: Alright. I'll move approval for the one day trip to, what did you say? Louisville?

Ralph Kissinger: Louisville.

Commissioner Mosby: Second.

President Fanello: So ordered.

Ralph Kissinger: Thank you. That's all I have.

President Fanello: Thank you, Ralph.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have some late items. They should have been in front of you on the desk. I have one late pink slip, a late travel request, and I guess the other thing was the revised polling places. Besides that, that's all I have.

President Fanello: Do I have a motion to accept the two late items.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I have my work sheet, and also I guess I wanted to bring up that on the thing for the concessions that Carl Shepherd had made a motion to pose, or accept the proposal of Mr. Hahn, but the motion died on the floor due to lack of anybody seconding the motion. So, that's where that stood.

Commissioner Mourdock: I'm sorry, I'm missing something there, Steve. He made the motion for what?

Steve Craig: To accept Mr. Hahn's proposal, but there wasn't a second.

Commissioner Mourdock: Oh.

Steve Craig: On the concessions.

Commissioner Mourdock: Oh, I see. Okay.

Steve Craig: It was shelved due to lack of a second.

President Fanello: Are there any other questions for Steve?

Steve Craig: I had a, should I do my travel request to get approval on it, or do I need to wait until?

President Fanello: Is it something you need to go to this week?

Steve Craig: No, it's not this week.

President Fanello: Okay, then go ahead and turn in a travel request.

Steve Craig: Thank you.

President Fanello: Thank you.

**SWCD & Ozone Officer Reports**

President Fanello: Soil and Water and Ozone, do I have a motion to accept those reports?

Commissioner Mourdock: I'll move we include those two reports.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: The Consent Items. Before we make a motion, I've got a question on one. It's the Xerox contract. I just happened to glance through it, and I don't know if the County Attorney has reviewed it, but—

Commissioner Mourdock: Is that the one from Marsha?

President Fanello: Yes. It had some, it had like a 12 1/2% interest rate in it, and we weren't going to own the equipment at the end of the lease. I would like to know if we could just defer this for a week until, maybe, the County Attorney could review, and we could ask questions. I'll tell you, in the past, if you ask, sometimes you can get the interest rate lowered or zero. So, I would like to see if there is any negotiation on that.

Commissioner Mourdock: Okay, I'll move we withdraw the demonstration agreement from Xerox on behalf of the County Clerk.

Commissioner Mosby: I'll second that.

President Fanello: So ordered.

Commissioner Mourdock: Then I have a question too, on the one blue claim that came through with—

Commissioner Mosby: Is that the same one I got?

Commissioner Mourdock: Yeah, I was just going to see that we have the letter attached. Because that is still being done under the basis of that same letter that we had signed with the employee previously, correct?

Commissioner Mosby: What was your question?

President Fanello: Yeah, I'm not sure I understood.

Commissioner Mourdock: This is the same employee for whom we, basically, entered into the contract. I think we just need, and we can go ahead and approve this, but I think we need to get a copy from Cheryl that there is an addendum to that letter saying that it also applies to this.

Commissioner Mosby: Okay, I see what you're saying, because this is not the same thing that we approved a year ago.

Commissioner Mourdock: Right.

Commissioner Mosby: I mean, truthfully, I guess, I'm questioning why we're even paying it.

Commissioner Mourdock: I thought we agreed to last week.

President Fanello: No, I don't think we ever actually agreed to anything.

Commissioner Mosby: I don't think we ever agreed to anything.

President Fanello: I would like not to, I mean, I think it was done out of, you know, the ordinary, but realizing that the bill has been incurred, we need to do something. I'm not sure what, but, you know, I was there, I met with Cheryl last Monday, and she did tell me there will be no more classes after these two classes. So, I mean, I don't know what we are going to do. The University of Southern Indiana is going to want their money, and they have made the comment that they will be pursuing their money. So, I mean, it's coming out of, I guess, the Assessor's budget, Sales Disclosure.

Suzanne Crouch: Yes. Uh-huh.

Commissioner Mosby: This is coming out of which budget? Reassessment?

Suzanne Crouch: It's the Sales Disclosure Fund. There's, I believe, \$10,000 in Training in that particular line item.

President Fanello: I mean, my concern is if USI plans to pursue payment of the bill, I'm not, I don't want to see us waste any Legal Expense money on this issue, but I totally do not condone this type of behavior. I guess, we don't have any point for any...I don't know what to do.

Commissioner Mosby: I guess, my question is what's to keep her from doing it again?

President Fanello: Well—

Commissioner Mosby: I mean, so she's got the money in her budget and she decides to do it again, that's my question.

Commissioner Mourdock: Well, I'll offer a point of view, which is I think the discussion that took place here two weeks ago is certainly enough to give her the impression that such things are viewed by the Commission as being beyond the bounds of the authority she has as an elected official. I think if she did that again, that she realizes that it's much more of a political issue than it might need to be. So, I don't think it's going to happen again. Like you, Catherine, I think it's a bill we need

to pay. So, I just think we just need to pay it and move on. I would still like that letter of agreement back to say that that also covers this.

President Fanello: Well, shall we wait one more week until we get... I would feel more comfortable getting the amendment.

Commissioner Mourdock: Okay, that's fine.

President Fanello: Before we make payment.

Commissioner Mourdock: Alright. I'll move that we withdraw the blue claim regarding Mr., what's his last name? Bernard?

President Fanello: Bernard.

Commissioner Mourdock: Bernard's payment for class.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Okay, and with those amendments, I'll move approval of the rest of the blue, of the claim file.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

<b>Scheduled Meetings</b>
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President Fanello: Scheduled meetings. Next week we are supposed to have a Space Allocation meeting. Obviously, there is no Director for the Building Authority, at this point, but it was only going to last a half hour, and I did have a letter from Legal Aid wanting to lease, or wanting some more space. I thought also we might discuss the court space, and then, Richard, you had given out a hand out of a survey that I think is something that we ought to pursue and, maybe, fine tune just a little bit.

Commissioner Mourdock: Okay.

President Fanello: That's really all I'm looking for.

Commissioner Mourdock: What time did we schedule that?

President Fanello: 5:00, I believe. So, we won't have anybody here from the Building Authority, obviously.

Commissioner Mourdock: Okay.

President Fanello: So, that's the only scheduled meeting I know of.

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<sup>1</sup>Consent Items listed on Page 46.

**Old Business**

Commissioner Mourdock: Under Old Business, I would like to speak for a minute about what we've received from Eric Williams and the Sheriff regarding the Community Corrections. I appreciate getting a report in hard copy here, since it didn't print the last time I tried to print it at home. A couple of questions, Brad, if you don't mind, or, Eric, one of the two of you. I want to be sure I understand what I'm looking at here. For instance, on the first page Community Services Restitution. The count it shows is 491 people. Is that the total number of people that have been put through the program since you all took it over? Or it's certainly not the current number with 491.

Brad Ellsworth: I'm not sure what number you are talking about, Richard.

Commissioner Mourdock: Okay.

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay, so that's—

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay, and out of the 491, how many typically would actually be working through the Safe House everyday? Certainly not anywhere close to all of them.

Brad Ellsworth: No. No, they usually have over the course of their sentence, or a certain amount of time to complete those hours of community service. So, I would say anywhere, and I think I provided a document a couple, last week about the different agencies that we provide people. So, I would guess there is probably 20 to 30 that report in in the morning on any given day.

Commissioner Mourdock: Okay.

Brad Ellsworth: Maybe a few more than that. It varies. On weekends it goes up.

Commissioner Mourdock: Okay.

Brad Ellsworth: Some have regular places that they do that service, and some just come out and do the highway trash and that.

Commissioner Mourdock: Okay. Of that, just looking at the number of people sentenced and by whom they'd been sentenced, there is 492 of them listed I counted, or, I guess, you show 491. 105 of those, 20%, come from just one Judge. Does that tell me anything? Is one Judge seeing a greater percentage of those cases that end up being?

Brad Ellsworth: Is it Misdemeanor Judge, or?

Commissioner Mourdock: It's Mr. Kiely.

Brad Ellsworth: He's the Magistrate in Circuit Court. That doesn't really stand out just that he particularly likes to use community service as a restitution. That wouldn't really surprise me, at this point, you know, that number.

Commissioner Mourdock: Just looking through and seeing—

Brad Ellsworth: 20% of all those 491 were sentenced by him?

Commissioner Mourdock: Right. What does it mean when it says D05? The Judge says, instead of, in the Judge column it has D05?

Eric Williams: It means Division Five.

Brad Ellsworth: Oh.

Commissioner Mourdock: Okay.

Philip Hayes: Yeah, which is, that's Misdemeanor and Traffic. Division II is regular felony, Superior Court and then D05 would be the Misdemeanor and Traffic division.

Brad Ellsworth: Justice or Magistrate Kiely, I don't think does Misdemeanor, to my knowledge.

Commissioner Mourdock: Right, so that means the percentage is even much higher than 20%.

Philip Hayes: Uh-huh.

Commissioner Mourdock: Okay.

Brad Ellsworth: I think Circuit Court runs through a lot more cases—

Philip Hayes: Circuit Court has more than the others, yes. On a—

Brad Ellsworth: Handles all criminal cases.

Philip Hayes: Right, because in Superior Court you have Division II, I think, Sheriff you can correct me if I'm wrong, and I think that Division is fundamentally handling all the criminal matters coming through there.

Brad Ellsworth: Right.

Philip Hayes: So, actually you may have more pleas that are being filed. Then, also, I think the random draw, if I'm not mistaken, tends to lean on the Circuit Court.

Commissioner Mourdock: Okay, well—

Philip Hayes: Impact it a little more heavy.

Commissioner Mourdock: My bigger question, I guess, comes back to the Work Release Programs, and, again, with the 197 listed, those are the one's that are currently in the program? So, some of these were actually sentenced to the program before you took it over, I presume?

Brad Ellsworth: That's very possible, yes.

Commissioner Mourdock: Okay, do you have any guesstimate as to how many times we've gotten a request, or you've gotten a request back to have the Judge come forward? You know, we've had that rule put in place that the Advisory Board about anything that was other than a C or D. If we had A and B felonies, we wanted the Judge to explain to us why they should be kept there.

Brad Ellsworth: If they didn't meet the placement criteria—

Commissioner Mourdock: Which essentially—

Brad Ellsworth: —established by us.

Commissioner Mourdock: —would exclude A and B, right?

Brad Ellsworth: Not necessarily. Not on a direct placement. I don't have my placement criteria here, but I believe it was if they wanted them there longer than what our placement criteria....six to do three, and four to do two on bring backs, or they went outside the bounds of what was normally a direct placement, then they would have to articulate in the minutes why that, why they were going to place them there anyway. What the circumstances were.

Commissioner Mourdock: Okay.

Brad Ellsworth: That's my recollection, Richard. I wish I would have brought the placement criteria with me.

Commissioner Mourdock: Well, I'm shocked in going through these, and I just counted them by hand going through, and I'm sure I missed some, but for those under Work Release, you have 197 people. I counted 33 of them, or 15%, roughly, that are A and B's.

Brad Ellsworth: That doesn't surprise me a bit.

Commissioner Mourdock: It sure surprised me. I mean—

Brad Ellsworth: I mean, of course, I knew that. I mean—

Commissioner Mourdock: Yeah, yeah, you work with it. What I'm wondering is with that high a percentage of A and B's out there, it seems that goes beyond what the Advisory Board is looking to do when we established those guidelines.

Brad Ellsworth: I'll have to go review those minutes, because I think that falls right in. I have, we have sent some back to those Judges. I've made the call myself on a few occasions, probably three, that we didn't feel met the criteria, and they changed those or they did then put, add in to the minutes. I can go back and check that.

Commissioner Mourdock: Yeah, I mean, I look at some of these that are on Work Release that are B's that are criminal confinement. A lot of them possession of cocaine and stuff. A lot of them burglaries.

Brad Ellsworth: What you and I consider violent crimes.

Commissioner Mourdock: Pardon?

Brad Ellsworth: They're what you and I consider violent criminals.

Commissioner Mourdock: Absolutely. Child molesting that was a pretty good one. I mean for Work Release.

Brad Ellsworth: On that report last week was an attempted murder. The circumstances were, though, that he was on, well, he was on Electronic House Arrest. Pre-bond.

Commissioner Mourdock: I guess, in looking at these data, and it's very helpful, I would hope that sometime prior to the next Advisory Board meeting, you send this same data out to them so they can see what's out there as far as A's and B's.

Brad Ellsworth: We will.

Commissioner Mourdock: You might even do a little sort on it to list it just so it's easier to look and see where the A's are and where the B's are, rather than have them go through and pick them out—

Brad Ellsworth: Right.

Commissioner Mourdock: —because I think there is a lot of people on the Advisory Board that are going to be as surprised as I am to see that 15% of the people in Work Release are A and B's.

Brad Ellsworth: We appreciate it from you all, as well as the Council, that that's what allowed us to produce that report, which makes it easier to see, is by letting us buy that new computer software. That new program helps immensely.

Commissioner Mourdock: Right. Is it easily sorted by type felony here to print that to, Eric?

Eric Williams: I can figure out (Inaudible. Not at mike.) Depending on clerk's entering it the same every time.

Commissioner Mourdock: I noticed, I don't know who the clerk is, but Judge Trockman's, whoever does it for him, it's always the same. It's very consistent. The others are a little harder to pick through. Okay, well, those are my two comments that 20% for the Community Service all came through one Judge. When you look at it, and see how many different Judges are out there using that, especially when you exclude the Division Five one's, that's really striking.

President Fanello: (Inaudible. Mike not on.)

Commissioner Mourdock: No, I didn't, but I will, because I did highlight it. How often is it that we have people in Community Service for not having tail lights? There's one here, no tail lights.

Brad Ellsworth: Well, this report's only a couple weeks old, so I don't know.

President Fanello: (Inaudible. Mike not on.)

Brad Ellsworth: Well, there is, that's the one thing that you have to remember about this report and the jail report, is that there is a story behind every person in there.

You know, there might be a person there for not having his fishing license on his person, but it's the fifteenth time he's been in front of that Judge.

Commissioner Mourdock: Right.

Brad Ellsworth: So, on the surface, it looks like why in the world would you have somebody in jail, but if he's failed to appear 25 times, the Judge may just be sick of having to keep calling his name, and keep putting out warrants for him. So, like I said, you have to remember that each one of these Judges, most of them are very aware of these people coming in front of them, and they have seen them several times, on several different offenses.

President Fanello: (Inaudible. Mike not on.)

Commissioner Mourdock: I was just saying that same thing. This is the way me, a perfect laymen to this looks at this, is we have under the same Community Service Program somebody who was arrested for not having tail lights, and then someone who is a Class B Felony for stalking in Community Service.

Brad Ellsworth: Riding in the same van, picking up the same beer bottles. Absolutely.

President Fanello: I mean, on the no tail light thing, it would be helpful to know if, and I don't know how you would do this, but if they got picked up 15 times for no tail lights, I still don't think they should be in Community Service taking up space and money for just no tail lights.

Brad Ellsworth: Community Service, on something like that, they take up a seat in the van and they are out cleaning the streets of our county.

President Fanello: But still, I mean, when a person who is a drug offender or something be a better candidate than somebody who had no tail lights? I mean, I would like to know—

Brad Ellsworth: (Inaudible. Talking over each other.) story behind it.

President Fanello: Yeah.

Brad Ellsworth: I'll say it here, and I've brought it up at the Correction Board before, and I'm going to bring it up again that 492 people, if you charged each one of those people, and just the one's who are not Work Release, \$15, \$25 as a fee to come in and take up space in our van and go be taken out to those roads, I wouldn't have to come to the County...I could fund that whole program. Not all of Community Corrections, but I could certainly fund Community Service and all the vehicles and then some, if that Board would allow me to charge for those not living in the Corrections Complex, just when you get sentenced to Community Service hours only, a \$25 one time fee, and I could make a ton of money and fund that program solely on User Fees.

President Fanello: Why is the Board?

Commissioner Mosby: Why don't they make that motion?

Brad Ellsworth: Come to the next meeting and back me up on it.

Commissioner Mosby: I will.

President Fanello: Yeah.

Commissioner Mourdock: Well, I'll just throw out the times that has come up at those meetings, each time I've been there, one of the Judges will always add, these people can't pay the \$25, they don't have it.

Brad Ellsworth: Well—

Commissioner Mourdock: I don't know if that's true. I'm just saying that's their response that comes back.

Brad Ellsworth: I'll, you know, go on and say, these aren't the same people that are paying \$70 a week to live there.

Commissioner Mourdock: Right.

Brad Ellsworth: These are the people who are off the street, get to go home every night, and watch the cable TV and drink a twelve pack of beer, and then on Saturdays they get to come in and pick up trash. You know, we can use that money to provide vans instead of a \$15,000 or \$20,000 van and trailers and trash bags and BFI bills.

President Fanello: I guess, are we allowed to write a letter to the Advisory Board?

Brad Ellsworth: I wish you would.

President Fanello: Is that—

Brad Ellsworth: You can address it to me and I'll make sure I pass it on at next week's meeting.

President Fanello: I don't know if any of the other Commissioners sitting here would like to send a letter to the Advisory Board with that—

Commissioner Mosby: I'll make a motion we send a letter to the Advisory Board.

Commissioner Mourdock: I'll second.

President Fanello: So ordered.

Brad Ellsworth: Thank you very much.

Commissioner Mourdock: When is the next Advisory Board meeting?

Brad Ellsworth: It's next Thursday.

Commissioner Mourdock: Thursday, the—

Brad Ellsworth: Is it Thursday?

Commissioner Mourdock: That would be this Thursday, the 21<sup>st</sup>. I didn't get the notice.

President Fanello: Yes, it is the 21<sup>st</sup>.

Commissioner Mourdock: Were there notices sent out?

Brad Ellsworth: I'll find out, Richard. I thought they were going to. They were going to send out regular. Struggling with that.

President Fanello: We'll draft a letter.

Commissioner Mourdock: Well, again, thanks for the report.

Brad Ellsworth: Thank you very much. It's going to help us too. Like I said, we've only been able to produce that for a couple of weeks, and it will help us analyze.

Commissioner Mourdock: What was your question, Suzanne? How do you...how do the various vendors get selected to be used for the Work Restitution Program? In other words, you are plugging people into various programs.

Brad Ellsworth: If they are not for profit, for the good of the community, and they call us, basically, there is a two person committee that looks out to see if they're able to make a profit from our work. Or if they're taking work away from somebody, and that's how. We've had to eliminate a few last year, or a couple, and, you know, we've added, just trying...if you can think of any that you know need help, call us.

Commissioner Mourdock: My yard needs work.

Brad Ellsworth: And we've done that for the Red Cross. There was an elderly lady that couldn't get out of the house that had a bunch of trash accumulate in her yard, and it was going, a little bit going on the private property, but with, I think, it was the Red Cross or one of the agencies, United Way, that got us involved. We thought it was a safe venture and cleaned up a private property. So, we're trying to be creative, but not delve into the private.

President Fanello: Thank you, Sheriff. Do you have any other. Okay.

Commissioner Mosby: Motion to adjourn.

President Fanello: No, I've got two New Business things.

<b>New Business</b>
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President Fanello: That was Old Business. One New Business thing is, I have an agreement with Fosse and Associates to perform services at the Old Courthouse. If everyone would take a look at that over the next week, and I can put it on the agenda for Monday, but I think as we move to come up with a plan for the Old Courthouse, whether we use that for private office space, or public office space, we still have to look at what repairs and restoration is going to cost. So, I would really like to obtain the services of Will Fosse to do that.

Commissioner Mourdock: You're just circulating that?

President Fanello: This is for circulation, and I will put it on the agenda for next week. One more thing, as we move forward on the bond issue, we need to, or this is the

recommendation from the bond counsel attorney, that we set up a Jail Authority. To do that, that requires three board members. I would like for everyone to come back next week for a recommendation on a board member, so that we can get that going.

Commissioner Mourdock: Okay.

President Fanello: Any questions on that?

Commissioner Mourdock: Each of us brings one?

President Fanello: Yes. Yes.

Commissioner Mourdock: Okay.

President Fanello: That's all I have for New Business. Now I'll take a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered.

The meeting was adjourned at 7:20 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Health Department	Election Office
Coroner	German Assessor	Prosecutor
County Council	Scott Assessor	

**Request for Service:**

Superior Court

**Travel Request:**

Health Department	County Highway	German Assessor
Burdette Park	SWCD	Commissioners

**County Assessor:** Education Blue Claims.

**Health Department:** Counselor Contract for WIC Program.

**County Clerk:** Xerox Contract.

**Vanderburgh County Steering Committee:**  
Gift of Burdette Passes to Employees.

**Sheriff:** Jail & Community Corrections Information Report.

**Commissioners:**  
Letter to Larry Caplan regarding APC Board Appointment change.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Doug Knight	Tim Van Cleave
Tony Bushrod	Connie Carrier	Les Shively
Ralph Kissinger	John Stoll	Barry Mueller
Jerry Jones	Larry Kremer	Steve Craig
Brad Ellsworth	Eric Williams	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
Special Space Allocation Meeting  
March 25, 2002**

The Vanderburgh County Board of Commissioners met in special session this 25<sup>th</sup> day of March 2002, at 5:00 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

<b>Call to Order</b>
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President Fanello: Call to order Space Allocation meeting. Well, the one request, I guess, we need to just figure out what we are going to—

Commissioner Mourdock: It's been (Inaudible. Mike not on.)

President Fanello: In fact, you gave me a copy of your letter, and I still have it, so.

Commissioner Mourdock: Have we confirmed that the Room A109 really is (Inaudible) unused (Inaudible) typewriters and (Inaudible)?

President Fanello: No, we could have Tammy do that. I think until, you know, until—

Madelyn Grayson: Commissioner Mourdock, could you turn your mike on?

Commissioner Mourdock: I'm sorry.

President Fanello: —this questionnaire that you and Steve Utley, or Steve Utley had put together, I think, if we go through and fine tune that, I think, we need to send that out to all the departments. Until we do that, and take some kind of plan to allocate space, I wonder if we should just keep all requests on hold until—

Commissioner Mourdock: Yeah, that makes the most sense. Again, with this one, Legal Aid has asked us several times, prior to you being on the Board, I mean, for other things. They always seem to have a request of some sort. So, I don't know that this one is any more or any less urgent than what they've had before. Speaking of the programming questionnaire for a moment—

President Fanello: Did you get a copy of that?

Commissioner Mourdock: I don't know if you got it, David.

President Fanello: Did you have a copy of that?

Commissioner Mourdock: Okay. What this thing was put out to be, as originally drafted, is both a survey of what people have and what they may need—

President Fanello: Uh-huh.

Commissioner Mourdock: —and what we do with it, beyond getting it out there and getting it filled in, I think, it's a good place for us to start. At least it might be a bit of a planning tool.

President Fanello: Uh-huh.

Commissioner Mourdock: Is there something in it specifically? You said if we want to fine tune it. Do you want to use this—

President Fanello: It seems like when I looked it over, a couple of the questions, they may not apply to...I can't, I lost my copy, and didn't have one until you came in.

Commissioner Mourdock: I think if this goes out, we need to make sure that the letter that goes with it says, in effect, don't make this your wish list for your office from now until the year 2025, because some of them might likely interpret it that way. If we are going to do this, I guess, one question remains, do we want to do this with the city folks as well? Get the Mayor on board, and have them take a look at this, to see if it has some application?

President Fanello: The question about is new furniture to be considered for the office area? I don't know that we want to ask that.

Commissioner Mourdock: We can scratch that.

President Fanello: We might be giving them an idea that they, or might be—

Commissioner Mourdock: Don't want to give them that idea.

President Fanello: We don't want to give them any ideas they don't need. Should a card access system be considered for the facility? I don't know if we need that question.

Commissioner Mourdock: Yeah, the reason that was put in at the time was the Mayor was going towards the thing with his I.D. cards, but I'm fine with it. I mean, some of the security stuff is—

President Fanello: Do you want me to get Patty to make you a copy of this? I didn't know that you...I'd forgot about it. I had lost my copy.

Commissioner Mourdock: I can't think of the lady's name in the Building Authority that has all this electronically, so.

President Fanello: Okay, so she can e-mail it then.

Commissioner Mourdock: Yeah, whatever we change (Inaudible).

President Fanello: Break area, do we have, is a break area required in your office, and should it be centralized? Or should it be centralized? I don't know, that's on page 3, page 4. I guess that's, I guess some offices do have a small break area.

Commissioner Mourdock: Yeah, one of the things that Steve perpetually saw as a thorn in his side was that there were, the county and the city when they built this building put a lot of effort in, a lot of money and a lot of floor space into the separate break areas, and yet how many offices have their own coffee machines? How many offices have their own microwaves, and that kind of stuff. I know with requests like this one from the Legal Aid, that always was his first response, well, if they did away with their own coffee machine and those kind of things, you know, how much more space might they get. Because they've already got their own break area. That's where that one came from.

President Fanello: Paging system, sound system, public address system, I don't know.

Commissioner Mourdock: I don't recall the origin of that question. I think it was just meant for rooms like this, the general conference and public rooms.

President Fanello: Okay, okay.

Commissioner Mourdock: Probably wouldn't pertain to anybody other than the Commission and the Council, or City Council. The question at the bottom of that page is the Pandora's Box question.

President Fanello: Oh, yes. I did say that if it could be determined less the number of additional offices or (Inaudible) required. Is there any other way we could word that without—

Commissioner Mourdock: Without making it sound like Pandora's Box?

President Fanello: Like we're advocating additional offices.

Commissioner Mourdock: What if we just said, what is your expectation for additional square footage?

President Fanello: That might be—

Commissioner Mourdock: As opposed to defining it by offices.

President Fanello: Uh-huh. Other than that, I think—

Commissioner Mourdock: With this being somewhat of a long term project, have either of you given any more thought to the Health Department, or that space issue as far as trying to get some more court room space? Obviously, the folks back in this building keep talking to us about court room space. That would be the easy place.

President Fanello: My personal opinion is that, you know, I talked to United about doing a feasibility assessment on the old jail space, like we had talked about in the meeting. So, I think, because it seems to me like some of that space could be used for court space. I think we need to look at everything together.

Commissioner Mourdock: Agreed.

President Fanello: As a package.

Commissioner Mourdock: Yeah, and this is going a bit adrift from this, but in that discussion with United, am I to interpret from that then, that for the first time, they are looking at all that existing jail space as part of the project?

President Fanello: That's what I told them to do.

Commissioner Mourdock: Okay. Alright, good. Because I—

President Fanello: Do you have any thoughts on that?

Commissioner Mosby: That's fine. If you can move juvenile over there, and then move Brett Niemeier and probate over there, that gives you the 3210 square feet over there that (Inaudible. Mike not on.) That was the plan on the floor. (Inaudible).

Commissioner Mourdock: I still have the thought, and, obviously, I'm one vote here and I know you haven't seen what they've come back with yet, at least I assume you haven't, and I haven't.

President Fanello: No.

Commissioner Mourdock: I, you know, if we're going to build a 484 bed jail, and you said it, Catherine, at one of the joint meetings, these aren't your exact words, but you said something like if we're only going to build 450 beds, then why even do the project? Roughly, something like that. I think that's a very valid point. For that reason, I would still, I think before we try to convert the present jail space into something else, I think we might want to look at that as an option of using that space for the maximum security. I was in a jail the other day, that didn't sound right. I was inspecting a jail the other day, I was trying to think of where the heck it was, Harrison County. That's alright, come on in. You can come in. Over in Harrison County, one of the things they did was build a new jail, it's the new podular type style, but for whatever reason, they never thought much about putting more maximum security space in the new jail. They'd moved it from a downtown location out into the country, and now all of their jail is, basically, out there without any real maximum security beds. They have an area set up, but it's not very effective for them. If, even in remodeling to meet ADA, if we went from, what was Eric's estimate at one point?

President Fanello: About 140 beds.

Commissioner Mourdock: We would lose?

President Fanello: We would go down to 140 beds.

Commissioner Mourdock: Okay, so we would then (Inaudible) that out at, what did we say, 484?

President Fanello: Uh-huh.

Commissioner Mourdock: So, we end up with 625 beds, roughly. Which if we could get 625 beds, for roughly the same amount of money as 484 beds, realizing that, yeah there is going to be money to do that downgrade, that sure seems to me to move the whole project forward in the longer term in a better way than just going from the current 329 bed cap, to come back to 484. Because, basically, we're spending \$35 million for the difference between 484 and 329, which is a whole lot of money for that 160 beds.

President Fanello: I would want to, I mean, my first thought would be we would be running two separate operations there.

Commissioner Mourdock: Because of where it's located.

President Fanello: Yeah.

Commissioner Mourdock: Again, if-

President Fanello: Even if it's still located on the back 40, I mean, you've still got two separate, you've got from there to here, and you've got two separate jail facilities.

Commissioner Mourdock: Sure.

President Fanello: You know, I think you would have to take the pencil to the paper on that one, and write down the pros and cons.

Commissioner Mourdock: I agree, but let's make sure the pencil gets put to that thought. Again, I think, that if you use the courts lot, even if you had to cross over Ninth Street and pick up some of that other, believe me, there is space out there. When you look at the square footage that they put out in the original reports, and the square footage that's out there, you don't have to build an eight story building, or even a five story, or even a four story building to come up with the kind of space that it would take to have a 484 bed unit there, and still have direct access with the catwalk or whatever back to this jail. Because there are a lot of jails being built in the state that don't have that huge demand for square footage, and they are still putting in that many beds. The difference being, and this is the negative, yeah, it's on multi-stories, where you may have three stories, but we have three stories in this building. So, I'm just, I want us to look at that option. That is a possibility. I mean, it's a definite architectural possibility.

President Fanello: Any thoughts?

Commissioner Mosby: I guess my only thought would be, if you start remodeling that present jail, I would have to see how much money you were going to spend.

Commissioner Mourdock: Sure.

Commissioner Mosby: I mean, because if you're going to spend \$4 or \$5 million remodeling this, and you're going to come up with 140 beds, I'd just as soon drop another pod on what we are going to build.

Commissioner Mourdock: The flip side of that is, if you are going to change this space from jail space into anything else, you are going to spend 3/4 as much, at least, to do that, as you are just to take it from 329 to give us 140 beds.

Commissioner Mosby: I guess what I'm saying is to see the Sheriff trying to operate two facilities. I would just as soon get my community corrections, or not community corrections, juvenile detention out of this, and then move the juvenile judge and probate over, so that the courts can go ahead and expand right where they are at, and not have to worry about coming over here to another section of the building. I mean, it makes more sense to me to take that 3,210 square feet over there, and do something with it, than let Brett and probate move over here. You are probably still not going to utilize...I think United has had 19,700 square feet in their juvenile detention, and Brett is looking for about 6,000. So, you are only talking about 25,000, you've still got 10,800 square feet. Hopefully, we could take it off our back and let the Police Department have it.

Commissioner Mourdock: That reminds me, did the two of you get the letter from Steve Perry last week?

President Fanello: I did get a letter from him.

Commissioner Mourdock: That they are, again, willing to look at that as far as an option as we do things. As I recall the letter, it's been two weeks, but, originally, they were talking, and, of course, we had put the number to them 24 beds, and, I think, Brett Niemeier had given it back to them saying 18.

President Fanello: Yeah, something like that.

Commissioner Mourdock: He had brought his number down. Which, again—

Commissioner Mosby: I'll be honest with you, if all that's not feasible, then I would just as soon take a look and see what it would take to put the Health Department over there.

Commissioner Mourdock: Put the Health Department in the jail?

Commissioner Mosby: Uh-huh. I mean there is 35,000 square feet. They can't need anymore than that.

Commissioner Mourdock: Yeah, but you're going to—

Commissioner Mosby: If I'm going to go off premise and spent a million, million and a half dollars, I would just as soon spend it right here, when I'm going to have to do it anyhow. I mean, we are obligated to that space.

Commissioner Mourdock: I understand.

Commissioner Mosby: So, we're going to pay for 35,000 square feet, and we're going to remodel it.

Commissioner Mourdock: But, what you spend in remodeling, if you take it to make it 100% something other than a jail, which it is now, it's going to cost you more money than if you update it, even though you are going to lose beds, and still have a maximum security jail, which you are not going to have to pay for otherwise. I mean, that's the kind of thing that I want to see, and I think you are saying, Catherine, and I believe you are saying too, David, you want to see pencils pushed on the whole project to see what that comes out to be.

President Fanello: I would like to see the bottom line.

Commissioner Mourdock: Yeah, because it's—

President Fanello: I mean, the other, you know, talking about your solution on the judges parking lot, I mean, what worries me is future expansion. I don't know.

Commissioner Mourdock: That is a reasonable concern. That's where, to me, I mean, my answer to that is to begin acquiring more property to, whatever direction that would be, northeast, I guess, where Don's Cleaners is. You know, you can keep going that direction. Would you have to buy more property? Yes, but if we are going to keep the jail at this location, somehow you are going to work towards future expansion anyway.

President Fanello: And would that, I guess, that would require taking Main Street though?

Commissioner Mourdock: No, you could build it on Main Street. Oh, wait a minute you said Main Street, did you mean Ninth Street?

President Fanello: I mean, yeah.

Commissioner Mourdock: No, I disagree with that. I think you could easily build over Ninth Street. Now, I know the Sheriff has said, and I understand where it comes from in this age of threats and security, he worried that somebody would pull underneath there with a truck bomb and blow the thing up. I understand that concern, but you have that concern with every underpass in America today. How big a risk is it really? Is it not a risk that is otherwise manageable? I think it is. I think you could keep Ninth Street open, and not have to close it down, and you could have your so-called sally port right there off that spot. So, it's, architects are paid to be creative, and I just want them to be as creative as they can with every option, so we can have a real bottom line figure as to what's best.

Commissioner Mosby: The other thing I'll say is if you do close Ninth, and you build off the courts building, I don't think you are going to eliminate near the parking you think you are. Because John Stoll went back there—

Commissioner Mourdock: I'm not following your question. I'm not saying close Ninth. I'm against closing Ninth.

Commissioner Mosby: I'm not against closing Ninth. I think that's the best thing we could do, but everybody is talking about building on the back 40, and losing parking. I'm not sure you are going to lose one spot yet, because when John Stoll went back there last week, and started measuring, number one, you've got 28' aisles.

Commissioner Mourdock: Right.

Commissioner Mosby: You only have to have 18' aisles on 60 degree parking for a nine by eighteen. It's like John said, if you go back there and count the aisles, and start reconfiguring the parking, he said, I could put an additional 150 cars back there today. It's like he said, if you're going to take out 150 spots, you ain't losing nothing. He said, I will get you the spots back that you are going to lose.

Commissioner Mourdock: (Inaudible) I see, well, that's great, then we can shut down the courts parking lot, and we've got all that space taken care of and we don't need a parking garage at all.

Commissioner Mosby: Might be. I'm just saying everybody keeps talking about losing 150 spots, or 200 spots and having to build a \$7 to \$12 million parking garage. Number one, it ain't going to cost that much. I mean, that might have been somebody's figures back when, I don't know, but the estimates I got, you can build them for almost \$10,000 a square, a parking spot. If you are going to build it for 200 or 300 cars, you're only talking \$3 million. Where they are coming up with this \$7 to \$10, \$12 million, I don't know. Somebody might stand to make some good money back then, but that ain't the case.

President Fanello: Well, I think those are all, I mean, if you can relay your questions to United also, but those are all things we can take back to them and ask them.

Commissioner Mosby: Now, if we don't close Ninth, we'll lose a whole lot more parking.

Commissioner Mourdock: I'm sorry. If we don't—

Commissioner Mosby: If we don't close Ninth. If we leave Ninth Street open, and try to come over by bridge or something to use the back 40, then you are going to take out a lot of parking spots.

Commissioner Mourdock: I don't understand that. Let me, again, define what I was saying. What I would see, my, what I think is, ultimately, the most economical solution, just to be prudent, is if you use the courts parking lot, build across Ninth Street, meaning up and over Ninth Street, so that Ninth Street could still go through there—

Commissioner Mosby: Oh, you're talking about going up?

Commissioner Mourdock: Yeah.

Commissioner Mosby: Oh, okay.

Commissioner Mourdock: But it's still a three story building, which is what we are in now. So, you would still be able to drive under the building to go back and forth through Ninth Street.

Commissioner Mosby: You're going to get 484 beds, a kitchen, a medical facility, administrative offices and everything in a three story building?

Commissioner Mourdock: Yes, they are doing it other places. I mean, I, there is a lot of space out there, David. That's why I want to make sure we look at this the way we need to. I mean, there are...I was in La Porte County the other day, and they are building a 400 bed jail in a smaller space than that. It's possible. Again, I say the flip side to it is you could see, conceivably, could see a higher operating cost, because of the multi levels.

Commissioner Mosby: Well, I think that would be true.

President Fanello: That and the difficulty of the future expansion would be.

Commissioner Mourdock: Again, you heard my response, you might still have space going that way.

President Fanello: Okay, well, I can have Patty draft a letter, or Tammy draft a letter to all the departments on this questionnaire, and she can call down to the Building Authority and get the electronic copy. Is there anything else you want to add to this?

Commissioner Mourdock: And you're going to send out a letter that we're doing this, and until we get some answers on this, we're not going to do anything with this?

President Fanello: Exactly. How long do we want to give them to respond to this?

Commissioner Mourdock: I think 30 days would be plenty.

President Fanello: Okay. Other than that, you brought up the Health Department, which was the other thing that I thought would probably come up. I don't have anything else, I just wanted to see us try to maybe send out some questions, and get

some answers back , so that we can try and do some planning as we get this jail project under way.

Alan Teeple: Are you in a special meeting?

Commissioner Mosby: So, who are these coming back to? The Commissioners?

President Fanello: I'll guess, they'll come back..we'll take them now, but I think what needs to happen is the Building Authority Director needs to go through and assess the—

Commissioner Mourdock: He or she needs to be privy of them once they come in.

President Fanello: Yeah, but, I mean, I think that whoever that Director is needs to help in breaking down the responses.

Commissioner Mourdock: Yeah, yeah.

President Fanello: So, they can come to our office, but we need to put somebody in charge of (Inaudible).

Commissioner Mosby: I just wondered who was doing all that?

President Fanello: I think it ought to be the Building Authority Director.

Commissioner Mosby: Okay.

President Fanello: Anything else? I'll take a motion to—

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: So moved. Second.

President Fanello: So ordered.

This meeting was adjourned at 5:22 p.m.

**Vanderburgh County  
Board of Commissioners  
March 25, 2002**

The Vanderburgh County Board of Commissioners met in session this 25<sup>th</sup> day of March, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Board of Commissioner meeting March 25<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, Patty White, Tammy McKinney is out ill this evening; County Attorney, Phil Hayes; Commissioner Mosby; myself; Commissioner Mourdock. To my left; Bill Fluty, Deputy Auditor; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the minutes from March 18<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Opening of RFP's for Elderly/Handicapped Transportation Services**

President Fanello: Do we have any RFP's for handicapped transportation services?

Philip Hayes: There were no responses, and we would respectfully request an extension on that.

President Fanello: Okay.

Philip Hayes: I'm informed it may be a possibility of respondents in the community, but none were on the deadline.

Commissioner Mourdock: Do we need to re-advertise that? I mean, are we in effect—

Philip Hayes: We would be required to re-advertise in order to do that, although, Mr. Lawrence?

Phil Lawrence: Yes.

Philip Hayes: What would be your opinion on the RFP for Elderly/Handicapped Transportation Services? No responses tonight. We're informed there may be qualified respondents who could be contacted.

Phil Lawrence: (Inaudible. Not at mike.) Contact those respondents—

Commissioner Mourdock: You need to come to the mike, Phil.

Philip Hayes: Yes.

Phil Lawrence: The best thing to do would be to contact those respondents. We don't have to re-advertise. We don't have to go through that process again once you've done it once.

Commissioner Mourdock: But I thought there were no respondents.

Phil Lawrence: There were no respondents, but there are some people, we understand, who are willing and want to bid on it.

Philip Hayes: Well, we're informed that there are qualified persons, although we have no information as to their desire to respond.

Phil Lawrence: Okay.

Philip Hayes: They would need to be contacted and encouraged to do so.

Phil Lawrence: Okay. I mean, I would be willing to do that, if that is what the Commissioners would like.

Philip Hayes: Well, I think that if we are going to simply extend the time, and, at this point, try to solicit, I wouldn't think that a request for advertising would be necessary, at this time.

Phil Lawrence: Right.

Philip Hayes: I think we are in the position of trying to stir up some interest, is what it amounts to.

Commissioner Mourdock: How many potential respondents do we think are out there? I mean, just roughly.

Phil Lawrence: I would think no more than one or two.

Philip Hayes: I agree.

Commissioner Mourdock: Okay, then I'll make a motion that we, in writing, have Mr. Lawrence notify those potential respondents that we are extending the bid deadline until—

Philip Hayes: It's actually a proposal deadline, not quite a bid.

Commissioner Mourdock: Okay, extend the proposal deadline until April 15<sup>th</sup>?

Philip Hayes: I think that would be sufficient.

Commissioner Mourdock: So that those respondents might have a chance to get back to us with a proposal.

Phil Lawrence: I can do that.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Judge Knight: Court Case Management System Upgrade:  
Project 0102-23016**

President Fanello: Judge Knight. Good afternoon, Doug Knight, Judge in Vanderburgh Superior Court. We're back for, I think, this is the third time. I'm getting confused, and probably a charm, the third time. Maybe by way of preface I could simply put this, say this, that we've undertaken, in years past, a rather extensive review, selection and bidding process that has brought us to where we are today with the existing hardware and software in place. More immediately, what brings us here today is the process of upgrading what was in place, or is in place. You know the work Tim has done, that ACS has done in putting together some solutions, and we are delighted to present that. When we were last here, I think, there were some questions, and Tim was going to get some information to bring back to this body. I think he's been able to do that on a fairly short basis.

Tim Van Cleave: Good evening, Tim Van Cleave with Computer Services. At the last Commission meeting I was requested to go out and find if there were some other manufacturers that could provide some similar information and hardware to what was being proposed by Compaq. I did contact Advanced Microelectronics and the Lieberman Group to request them to provide some quotations with regard to the scenario that Compaq had presented through one of their value added resellers, Matrix Integration. I did receive some information as late as 4:30 this afternoon, and, unfortunately, the Advanced Micro and the Lieberman Group were not able to match every line item that Compaq and Matrix Integration had already provided. They were able to provide some information with regards to the desktop units, and the monitors that were being recommended. The Compaq/Matrix Integration, for the desktops, are estimated at \$799 per unit. The IBM/AME desktop combination was \$994.88. The Lieberman group, also quoting Compaq desktop, provided a quotation of \$1,279.34. On the monitors, the 15" monitors, the Lieberman Group did not have a price within their information that they provided today. The IBM/AME quotation was \$626, and the monitor proposed by Compaq/Matrix Integration was \$414. So, comparing the lower two, the Compaq and the IBM, roughly there is a difference of about \$195.88, if I did my calculations correct, which would extend out at 250 units to be \$48,970. The monitors is a difference of \$212, or \$53,000. For a total savings of \$101,970 from the Compaq's to the IBM. The other items that I was able to do a quick comparison on was the application servers, and it looks like the hardware from the Compaq/Matrix Integration solution was \$3,620. The IBM/AME solution was \$5,136.60, and the Lieberman Group, \$10,172. We would be purchasing two of those. The rest of the items, such as the services and the Citrix communications, and the SAN, I could go on, they were not presented apples to apples. So, it would take some more additional time to get that information, but the bulk of this purchase, from a hardware point of view, is the desktops.

Commissioner Mourdock: So, am I correct then, Tim, from what you know tonight versus what we knew last week, we've gone from, roughly, \$625,000 down to \$524,000 in total project cost? Is that pretty close?

Tim Van Cleave: No. The IBM/AME solution, actually, went the other direction, adding. If we went with the IBM/AME, they would add \$101,000.

Commissioner Mourdock: Oh, oh, oh. I thought you were taking that off.

President Fanello: Well, I'm sorry. I guess, I'm not really looking for specific prices tonight. What, I guess, my question last week was centered around the fact that other people can respond to a possible bid. What I'm looking at is making sure that we fall within the state guidelines for bidding procedures. That's my concern.

Tim Van Cleave: Right, and I didn't have time. Mr. Lawrence got these numbers--

President Fanello: Yeah.

Tim Van Cleave: --about five minutes ago.

President Fanello: But it looks like that there are people out there who could respond. To me, my personal opinion, is that makes it a bidding situation. I don't see anything in the state guidelines that says otherwise, but since it's not an emergency, or a special purchase, I would have to defer to the County Attorney on that.

Philip Hayes: I had an opportunity to talk to Mr. Van Cleave and also to Judge Knight, and having gone over the proposal, and then the updated issue summary for tonight, and the contract, I think, that that is the main problem, that there is not a clear definition, or a clear cut set of facts that we could establish on this record that would justify the Commissioners in, basically, suspending the usual procedures for going out. It just hasn't gelled or has not developed. I know that you've gone over and you were just referring to the issues involving Advanced Micro and the Lieberman Group, and we had that looked at. The problem is, could they have done it had they had, you know, started on it a couple of weeks ago? So, it's a catch 22 that the Commissioners find themselves in. It's not that this has not evolved into a terribly inconvenient and difficult matter for the offices involved, but considering the fact that all of the various findings that are required to be made, and I've also discussed it with Phil Lawrence, as well, and I don't think that his office finds, I don't want to speak for him, but comparing our notes, I don't think we found sufficient indications of the type of emergency the statute is going to look for that would justify suspending the bidding process.

President Fanello: Mr. Lawrence, did you want to say anything to that?

Phil Lawrence: The only thing that was in there was the one about the specification parts--

Philip Hayes: Right.

Phil Lawrence: --and perhaps if the Compaq, if it had been written in 1998, the contract, and centered around Compaq, there is a possibility that you could preclude, if it calls for it in the specifications. That's the only thing I could find that made it an exception.

Commissioner Mourdock: So, do I understand this correctly, that you are saying that if we acted on the package that is put in front of us, in some way we are going to have to almost defend that, at the time we do it, is to explain why we haven't really honed out the rules in this case?

Phil Lawrence: If someone else ever comes back and says, how come you didn't bid it? Then we have to prove why we didn't. If the specification were written in such that it could be a Compaq only situation--

Commissioner Mourdock: And we have to prove that their specs are somehow matching our specs, even though they may not totally match our specs.

Phil Lawrence: Right.

Commissioner Mourdock: So, where do we go from here?

President Fanello: Well, I think they need to answer, you know, in order to move expediently, my personal opinion is that we need to go out to bid, but I'll entertain a motion.

Phil Lawrence: If we need to bid it, I mean, we just need to move.

Commissioner Mourdock: Okay.

Commissioner Fanello: Uh-huh. I think that's what they are really wanting to know.

Commissioner Mourdock: The only question I have then, with the County Clerk being here, Marsha, one of the things that came up the first night this was discussed, was about how the 1099's are being handled, and that was all presented as part of this package. I presume, having seen you nod your head a moment ago, that putting this out for bid isn't going to be a cataclysmic event to you in handling 1099's?

Marsha Abell: Oh, I would love to have them tomorrow, but if it has to be, then it has to be. Let's do it now. Let's go on. I'm tired of sitting around deciding whether we're going to do it. Let's just do it. Let's say go out for bid, and get SCT to write the thing tomorrow, and let's go out and bid it. The sooner we get the bids out, the sooner we are going to get them on our desks. You know, sitting around talking about it doesn't help.

Commissioner Mosby: I'm all in favor of going out to bid for this, but I want to know one thing, is the money in place? I mean, before we start bidding something and sending these documents out and running people around, I want to make sure we've got money in place.

Marsha Abell: I feel the money is in place.

Commissioner Mosby: He's shaking his head no, and you're saying yes.

Marsha Abell: Well, we went before the Council week before last.

Doug Knight: (Inaudible. Talking over each other.)

Marsha Abell: No, that's okay. We went before the Council week before last, and we got a nod from them that if you approve the three year contract, they will fund it.

Commissioner Mourdock: But, that, again, that was specific to that package that we are now putting out to bid.

Marsha Abell: Yeah, but I think—

Commissioner Mourdock: They could come back—

Marsha Abell: –they are going to look for a three year contract with any company, whether it be this one or any of them.

Commissioner Mourdock: We can define the bid package as being similar in terms–

Marsha Abell: Yeah, if any company is willing to do that–

Commissioner Mourdock: –not prices per se, but in terms.

Marsha Abell: –they are willing to fund it, if you all...because they can't enter into the contract, you have to do that. So, then you, that's what they did, they said, we'll fund it, if they sign the contract.

Doug Knight: Warm fuzzies.

Marsha Abell: Yeah, we got warm fuzzies.

President Fanello: Boy, I wish I could get warm fuzzies.

Commissioner Mosby: And I'm not comfortable with that.

Commissioner Mourdock: Let me try to restate it. I think what the Council was saying, and correct me if I'm mishearing this, that based on the terms, the financial terms, that were offered by the vendor, that under that set of financial terms, the money was in place, because of the way it was spread.

Marsha Abell: We have the money for this year.

Commissioner Mourdock: Right.

Marsha Abell: They don't even have to do anything else. It's in place for this year.

Commissioner Mourdock: Right, and that money is effectively carried over from 2001–

Marsha Abell: Exactly.

Commissioner Mourdock: –and there is no cost in 2002–

Marsha Abell: Exactly.

Commissioner Mourdock: –and then you pick it up in subsequent years, and that's what Council was agreeing to.

Marsha Abell: Right. That if we could cut this deal, and the Commissioners would sign the commitment for the three years, they would approve the money.

Doug Knight: Now, they did not say that we will do this. They all seemed to use favorable words of making the commitment, because, you know, that motion wasn't really formed, and I want to be as honest as I possible can, and they wanted us to come here, because, I think, they realize this bidding is a problem, and it's not a no brainer, and I think they were tripping over that to. They wanted their County Attorney to look at it, so they weren't saying, yes, here's a big green light on the terms that we talked about to them, or with them. They were willing to call a special

meeting to go through with this, that was the announcement. I took that as very positive feedback. The, some of the other remarks, that they were willing, they recognized that what was being asked of them is to make a commitment for, not just this year, but year two and year three, in terms of spending money. I didn't hear any, oh, that's outrageous, absolutely not. It all seemed positive. It's a chicken and egg. Where do you go first to get?

President Fanello: I want to bring up something, because Commissioner Mosby makes a very good point. It seems to me that we ran into this same issue, and Eric Williams is here with the Public Safety Project, where that was, I think, a very expensive project, around \$700,000 or more?

Eric Williams: The county's share.

President Fanello: The county's share, so I don't even know what the city's share was. We ran into this same issue where, I believe, you ended up bidding out first, and it even...is that correct? You really didn't have the money in place when you started—

Eric Williams: We came back and forth several times on that issue, and, basically, we went out for quotes—

President Fanello: Okay.

Eric Williams: —did our (Inaudible) work, got quotes on it—

President Fanello: Got quotes, and then went back and got the funding—

Eric Williams: —but didn't have (Inaudible. Talking over each other.) funding, got the funding, and then did the contract signing.

President Fanello: Okay. Seems to me like the County Attorney had an issue with that, at that time. Or there were some legal issues with that.

Philip Hayes: There were, and what we're talking about is this establishment of this single vendor, or the sole vendor exception in the bidding rules. That's what we approached—

President Fanello: Okay.

Philip Hayes: —pretty closely with the Public Safety server—

President Fanello: Well, there were a couple of issues there, because—

Philip Hayes: —software. Correct. In that one, it was a cooperative matter between the city and the county, so the city law department, Kevin Winterheimer, was involved in that pretty thoroughly, and—

President Fanello: But that was another project where, I believe, where there wasn't—

Philip Hayes: —strictly, subject to strict interpretation.

President Fanello: —funding in place for it.

Philip Hayes: Also that the funding be in place. Yes, absolutely. It was on the city side, and it had to be established, I think, Chief Williams, on the county side. It was, ultimately was, but it took some time, as I recall.

Commissioner Mosby: (Inaudible. Mike not on.)

Philip Hayes: Right now, all you have is the single year that's in place. I noticed that the types of contracts, the generic shell contract has an appropriation clause in it stating that in the event that future funding does not get appropriated, then you'll make best efforts to try to find somebody else to use the lease, and if not, you terminate it, and they get their equipment back. That doesn't help you—

Marsha Abell: At which time the jail would really be full.

Philip Hayes: Right, but this doesn't help the administrative job that the Clerk has to do.

President Fanello: Commissioner Mosby, I think you had something to say.

Commissioner Mosby: Let me ask you this, would it be cheaper if we just went out to bid, and paid for this all at once?

Doug Knight: The cheapest would be to nail down this lease purchase agreement without any interest on the three year lease. That would be what we've discovered. The cheapest scenario.

Commissioner Mosby: So, it's cheaper to do this on a three year lease than it is to bid it out and say we'll pay for it? Why are we getting it—

Tim Van Cleave: At this point there is no additional cost for carrying it over three years. There would be no appropriations required out of the current fiscal year.

Commissioner Mourdock: And, at least, at first blush, your hardware cost is less with this package anyway. Even before you put any financing costs on it.

Tim Van Cleave: Right.

Commissioner Mosby: Okay, and then all this, because I am not going to sit here and claim to know much about computers, but all this that I hear that computers change from year to year and from day to day, so, in three years where are we at? By the time we get ready to try to pay this off, where do we stand?

Marsha Abell: Well, what we told the Council was we think they ought to just, should just plan that this is going to cost them about \$350,000 a year, because at the end of this three years, you are going to have to start all over again.

Commissioner Mosby: That's my question.

Marsha Abell: But in three years, if you buy them—

Commissioner Mosby: So, this is pretty well—

Marsha Abell: — you are still going to start all over again and have computers that you will see when you have your county sales that bring nothing. I mean, you can

sell them all day long for \$100 bucks on the street. I mean, they're not worth anything after three years. Ours are worth even less than most people in the street, because ours are worn out.

Commissioner Mosby: So, we're pretty well binding the next administration to \$350,000 a year regardless.

Marsha Abell: Exactly.

Doug Knight: That happened when we took the first step towards computerization, unfortunately. Ten years ago, when you buy that first computer, it's going to wear out.

Commissioner Mosby: I guess what I'm looking at is if we could, and, I mean, the county would have to be the one to do it, they're the fiscal body, but if they could afford to do this, \$500,000 or \$600,000, whatever we are talking about, at least the next year or two or three you could be upgrading and not be out of pocket \$350,000 every year—

Marsha Abell: Well, we actually—

Commissioner Mosby: —is what you're looking at.

Marsha Abell: —went to budget with the purchase of all new equipment, and that didn't make it out of two meetings with Jim Raben.

Commissioner Mosby: Well, what did he say?

Marsha Abell: I mean, that went about nowhere.

Commissioner Mosby: What did they say?

Marsha Abell: No.

Commissioner Mosby: Did they give any good reasons?

Marsha Abell: They didn't have any money, that's what their reason was.

Commissioner Mosby: They didn't have any money.

Doug Knight: In a single year they didn't have that money.

Marsha Abell: Yeah.

Doug Knight: They appropriated enough money to replace 50 computers and fulfill the commitment that was made earlier to replace these in phases, 50 this year, 50 the next, 100 the next year, some kind of configuration like that. You can't, I think the realization is that if you do this on a gradual basis, you're not spending a huge amount of money in any one given year. So, you've had the use of the money for, perhaps, two years as this plan described, and didn't have to come up with it in one year.

Commissioner Mourdock: Would it be true, in this situation, that if, in fact, these payments were extended out this way that we would have better leverage in service from the vendor?

Doug Knight: Good point.

Marsha Abell: I hope with brand new computers we're not going to need any service.

Commissioner Mourdock: Well, I hope not too, but certainly there is warranty work—

Marsha Abell: Sure.

Commissioner Mourdock: —that might likely be required, so.

Commissioner Mosby: Well, my thought in bidding this, is I would like to see it be bid on a lease purchase and on just an outright buy.

Marsha Abell: Okay.

Commissioner Mosby: Because I'm not sure that there is not a company out there that would say, I'll bid this if you buy it today, but I can't afford to stretch it out over three years. I'm just wondering if we're not going to shaft our self again.

Doug Knight: Well, it may be that the three year lease purchase, 0% interest is not available next month.

Commissioner Mosby: I'd like to see it done both ways, just to see what kind of price we get.

Phil Lawrence: You can bid it anyway you want it.

Marsha Abell: I wanted it bid about two months ago, actually.

Commissioner Mourdock: Well, I'll make a motion that we have Mr. Van Cleave and the courts system work with Phil Lawrence to bid it on both a buy out basis, or I'm sorry, a cash basis, if you will, and a lease purchase basis, with the lease purchase basis being identical to the terms that have thus far been provided by one vendor. That's the end of the motion period. Obviously, once it's bid, we always have that language, as Phil was stating a moment ago, about it's all contingent upon financing from county government.

Commissioner Mosby: That was the part I was going to say, the financing.

Marsha Abell: If the Council won't do that, but they would do the three year, would you be interested in doing that?

Commissioner Mourdock: I didn't understand your comment.

Marsha Abell: If the Council won't appropriate all the money up front to purchase—

Commissioner Mosby: I would still like to see it bid both ways.

Marsha Abell: Oh, I understand. We will bid it both ways.

Commissioner Mosby: Then—

Commissioner Mourdock: I think what you're asking is, if they don't do it in one year, will this body sign a lease purchase for the three years?

Marsha Abell: Yeah, because to buy 50 computers, quite frankly, we might as well trudge along on the old things that we've got, because 50 ain't going to help us.

Doug Knight: You can't upgrade just buying 50, the upgrade has to go on all the computers—

Marsha Abell: Yeah, that's why I say, it would be throwing money away to buy 50 of them.

Commissioner Mosby: As long as we bid it both ways, I mean, I would be subject to signing—

Marsha Abell: Okay. If you'll—

Commissioner Mosby: I guess, I can give you a warm, fuzzy answer.

Marsha Abell: As long as you'll listen to us.

President Fanello: We'll listen.

Marsha Abell: Okay.

President Fanello: Thank you.

Commissioner Mourdock: So, there was a motion there.

President Fanello: Oh, so ordered.

Commissioner Mourdock: No, no.

President Fanello: There wasn't a second. We need you to second it.

Commissioner Mosby: I seconded it with the financial amendment.

President Fanello: Okay. So ordered.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape changed)**

Alan Teeple: Alan Teeple, Computer Services. Catherine, I don't know whether this is the point to interject this or under anyone wishing to address and stop me if it is. I started the discussion I think with you, but also with the Deputy Auditor on the, that maybe we are at a point in this county to start thinking about, you are always going to need to upgrade new computers and that maybe we need to start doing some of the things that corporations have started doing and large counties have started doing and that is you roll 400, you know, have a rolling cycle of new computers so that

roughly every three years you are putting, yeah it would be three years, every three years you are getting a new desktop, a new PC on your desk. I don't know whether, I felt like this was a good point to interject this.

President Fanello: And I agree with you. I mean, it is similar to the vehicle replacement program and I would like to discuss that at budget time with you and see where we could put that.

Alan Teeple: I know from experience that the ability of a Dell to walk in and give you, you know, that kind of outstanding price, or a Compaq, or whoever, not to limit just one. When you make that kind of commitment that every three years, or every year, we are going to roll out 400 computers that they can give you, well Indy right now, Marion County right now, is doing that 400 or 500 computers a year and they are getting the best computer available at about either between \$700 and \$900 and that is total price. I am talking keyboard, monitor and computer, you know, the CPU on a rolling basis. So, that it gives you that kind of buying power.

President Fanello: That is a pretty good price.

Alan Teeple: Yes, and more importantly, up there they also have a deal that the employees can also buy it, at that bid.

President Fanello: Real quickly, in order for you to do that, I would assume that you would have to take some kind of inventory assessment or –

Alan Teeple: You would have to go out to bid for that kind of thing. I would have to defer that to the Purchasing, to Purchasing. When I was in the corporation, in the corporate world and did that, we didn't have to go out for bid. I could walk into Dell's office, because I was in Austin, and say I want and that's, you know, those are the kinds of deals we would make but I would defer that to–

President Fanello: But for you to get a good estimate on how many computers or whose we would need to start replacing, what would you need to do to get that information?

Alan Teeple: Certainly on our surveys would probably be a good start. The Data Board would probably be another good place to start.

President Fanello: It might be something to bring up to the Data Board.

Alan Teeple: Yes, but I, like I said, I thought that was a good point to at least interject it, because I have had some conversations with some other elected officials that go, why are we buying 69 and 80 and 250 when we could, and I don't want to stop this process at all, beside the fact that Marsha and Judge Knight would hang me outside the window. But, just as far as a future vision of for the city and county. Thank you.

Commissioner Mourdock: The point you made, Alan, and quickly in passing there, I think is a good one too, and I don't recall that it has ever come up in my eight years here, and that is about having a program in place by which the employees can buy computers for our families. I know we did that at Koester, and I was amazed at two things. One, the number of people that wanted involved with the program. Number two, how many more computers that added to our deal, which effectively brought our price down because the volume that we went through out there was just enormous. We wanted our people to use computers and yeah we knew that some of them would buy them just so that their kids could do their homework but by and large we

had mechanics in some people that you wouldn't even think normally would become computer savvy, but did, and it was a good thing. So, it is something that we need to consider.

Alan Teeple: And the buying power that it gives you is huge.

Commissioner Mourdock: The buying power is huge.

Alan Teeple: It's wonderful.

Commissioner Mourdock: I went into the program thinking it would be very hard to control and what happens if you help, and what we set up and I don't recall the details, and would have to think for a moment, but, basically, we were letting the employees buy them at no money down and then taking it back out of their check over a period of time to encourage them to buy. We were concerned about people quitting and then there is a computer out there. I think over five years, I think, we lost two computers. I mean it was well worth the deal, and was very good and the people were getting top notch machines too.

Alan Teeple: Yes. Thank you.

<b>Voters Registration: Changes in Polling Places</b>
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President Fanello: Thank you. Voters Registration. I think we have both individuals here. Okay, I think we have some changes in polling places that are before us from what we approved last week, and, Tony, could you please explain what we are looking at here?

Anthony Bushrod: We are looking at in the 6<sup>th</sup>, 6-1, 3 and 5, that's what has been submitted.

President Fanello: I'm sorry, say that again.

Anthony Bushrod: 6-1, 3 and 5.

President Fanello: But, I mean what are we, the ones you've highlighted here on the list are the ones that are changing?

Anthony Bushrod: Okay, 6-1 was originally Cedar Hall, and had been requested to be changed to Fulton Square, 6-3

Commissioner Mourdock: Time out Tony. Requested to be changed since last week, is that right?

Anthony Bushrod: Right.

Commissioner Mourdock: Because last week if you had given us this sheet it would have said Cedar Hall?

Anthony Bushrod: Right.

Commissioner Mourdock: Okay.

Anthony Bushrod: 6-3 last week was Immanuel Presbyterian Church, and it has been asked to be changed to Schnute Apartments. 6-5 last week was the Boys and Girls Club, and it was asked to be changed to St. Anthony's Family Center.

Commissioner Mourdock: And who requested that we make the changes since we acted upon this last week? I mean, I thought last week what we did was, with the approval of both the Republican and the county, Republican and Democrat County Chairman. I thought we had these things pretty well ironed out. Why are we coming back and changing them?

Anthony Bushrod: The Ward leader of the 6<sup>th</sup> requested, or asked if they could be changed.

President Fanello: What is the one that you have highlighted on the first page, 2-1?

Commissioner Mourdock: That's a name change.

President Fanello: That's a what change?

Commissioner Mourdock: It's a name change. What once was known as Evansville Baptist Temple is now Newburgh Christian Church, but it is the same location, as I understand it.

Anthony Bushrod: Right.

Commissioner Mourdock: So, that's not really an issue here.

President Fanello: Questions?

Commissioner Mourdock: Yes, I have a question. Is the Fulton Square, is that actually in that precinct? That, would that polling place actually be located in that precinct?

Anthony Bushrod: That's in 6-1, yes.

Commissioner Mourdock: Fulton Square is sitting in 6-1?

Anthony Bushrod: Right.

Commissioner Mourdock: How about St. Anthony Family Center?

Anthony Bushrod: It's in 6-3.

Commissioner Mourdock: But it is the polling place for 6-5?

Anthony Bushrod: Right.

Commissioner Mourdock: What was the other one, Schnute?

Anthony Bushrod: Schnute.

Commissioner Mourdock: Is that actually in 6-3?

Anthony Bushrod: Yes.

Commissioner Mourdock: Okay, and Fulton Square, you are sure is actually in 6-1?

Anthony Bushrod: Yeah. Then there was another one, a request to change that, so.

President Fanello: I'm sorry, I don't follow you.

Anthony Bushrod: Okay.

Commissioner Mourdock: There is another one that is not on the list?

Anthony Bushrod: Well no, this is okay, this here is what we submitted from last week, okay?

Commissioner Mourdock: Okay.

Anthony Bushrod: But—

Connie Carrier: Then they wanted it back to Cedar Hall, 6-1 back to Cedar Hall.

Commissioner Mourdock: How about this? How about if we leave them the way we did them last week? Which would leave them at Cedar Hall.

Connie Carrier: That's fine with us.

Commissioner Mourdock: And that takes away from that one. We have already had both Chairman sign off on this and start the process. I understand that both Chairman have sent out the letters to their precinct committee people. I just, when is enough, enough here? I think we have been through this and we have started the process, and I think it needs to stand as we did it last week. I understand the name change, you didn't affect that, that is just the way it is, people would still go to the polling place anyhow. Probably 80% of them that vote there will probably not even notice that it is a different name.

Commissioner Mosby: What did you just say about changing back to Cedar Hall?

Anthony Bushrod: Okay, there was a request after this to, well to like leave, I guess 6-1.

Commissioner Mosby: I was going to understand that we were leaving 6-1 at Cedar Hall, and the only two we were changing is 3 and 5.

Anthony Bushrod: Not originally.

Commissioner Mosby: I am not saying originally.

Anthony Bushrod: I mean.

Commissioner Mosby: I am talking about as of Friday. The last that I had heard was that they wanted to leave it at Cedar Hall.

Anthony Bushrod: Okay, what we had, okay that's what was conveyed to me and I turned it over to y'all's office.

Commissioner Mosby: Well, you just said that they wanted to change it back.

Anthony Bushrod: Right, from what we submitted here, Fulton Square.

Commissioner Mosby: Today. So, we don't even need to be changing 6-1, from that's the last, and you just said that too.

Anthony Bushrod: Okay.

Commissioner Mosby: I mean did you or did you not?

Anthony Bushrod: What I am saying is, from what we gave you last week, there was three different changes submitted to us which we turned over to y'all's office. Then there was a change of our request to put it back to the way it was submitted originally.

Commissioner Mosby: On Cedar Hall?

Anthony Bushrod: Right.

Commissioner Mourdock: Is Cedar Hall actually in Cedar Hall?

Commissioner Mosby: Yes.

Anthony Bushrod: Yeah.

(Inaudible comments)

Commissioner Mosby: And I mean, I don't have a problem with leaving it at Cedar Hall.

Commissioner Mourdock: Well, that's good because that is what we officially acted to do last week. The others though, again, I don't understand why. Am I correct that the last election Immanuel Presbyterian was the voting place? What was the one for 6-5? The Boys and Girls Club?

Anthony Bushrod: The Boys and Girls Club.

Commissioner Mosby: Okay, 6-5 was the one we eliminated. 6-5 is the precinct over around Berry Plastics that we eliminated, because only 31 people voted and the only precinct we combined it with voted at St. Anthony's School. Now what you have in turn done is taken it away from the majority, the 750 people that did vote and put it over where 31 people voted. That is the mistake that has been made. So, and Schnute Apartments, I understand, is about the same way. That is where-

(Inaudible)

President Fanello: That was going to be my question, what is the affect of those?

Connie Carrier: Okay, which one is in question?

Commissioner Mourdock: 6-5.

Connie Carrier: Okay, 766 voters.

David Mosby: I said 750, I'm sorry.

Connie Carrier: This is as of February 22<sup>nd</sup>.

Commissioner Mosby: I mean, we are talking about convenience is what we are talking about.

Commissioner Mourdock: How about 6-3?

Connie Carrier: 783.

Commissioner Mosby: Did they not vote at Schnute Tower before?

Anthony Bushrod: It was a polling place before.

Commissioner Mosby: Right.

Anthony Bushrod: In 2000.

President Fanello: It was Immanuel before, it was Schnute.

Commissioner Mourdock: It was what?

Commissioner Mosby: Schnute Towers actually sits in 6-3, right? Tony?

Anthony Bushrod: Hold on.

Commissioner Mosby: Is 6-3?

Anthony Bushrod: Hold on, let me, yeah.

Commissioner Mosby: Okay, That's the old, that's Schnute Towers Apartments. The high rise with all of the older people in it?

Anthony Bushrod: Yeah.

Commissioner Mosby: And what you have done in turn is run them down to Immanuel Presbyterian Church, which is not handicapped accessible, if you are still voting up the stairs.

Anthony Bushrod: It was one of the polling places that was used, like I say, in 2000.

Commissioner Mosby: Right, but did you go-

Anthony Bushrod: That's all we had to work off of.

Commissioner Mosby: Did you go down there and look at it?

Anthony Bushrod: No, not on this one here because-

Commissioner Mosby: Either one of you?

Anthony Bushrod: No, it was used in 2000.

Commissioner Mosby: Right, but if you look at that, it is not handicapped accessible. What you have done is taken the high rise apartments where they used to vote, and you have taken that away, and taken them over to the church. Them older people that live in that high rise can not get up them steps, and that is something that you ought to check out.

President Fanello: I thought I asked that question last week, if you guys checked every place to make sure it was handicapped accessible.

Anthony Bushrod: No, no, not every place. The ones that were the new ones, we checked.

Marsha Abell: It has to be handicapped accessible.

President Fanello: Well, I would think so, and I would have thought that would have been a number one priority.

Marsha Abell: Well, it's statute, it's statutory.

President Fanello: Well, that's why I thought every single place on here was identified as handicapped accessible.

Marsha Abell: It's statutory.

President Fanello: Well, then I think that the county ought to be, somebody ought to be picking these people up and taking them, if not, to someplace where they can vote. See, I just thought that I made that question clear last week or I wouldn't have voted on them last week.

Anthony Bushrod: We checked the ones that, we checked the ones, we were asked to check them out, the ones that we took and the new ones. We utilized what we had for 2000.

President Fanello: Well, next year I think every single place ought to be checked for handicapped accessibility.

Anthony Bushrod: Okay.

President Fanello: If we get by this year without a law suit.

Marsha Abell: Well, we've got some time. I don't have to publish yet.

Commissioner Mosby: Well, all we have to do is change it. The only thing is, who has been notified so far? Have you notified any of these voters?

Anthony Bushrod: No, no cards have been printed.

Commissioner Mosby: Has anything been advertised?

Marsha Abell: No.

Commissioner Mourdock: So, the people who have been notified at this point are all of the poll people? The people that have been poll workers for both parties

previously have been notified? There would be, you know, looking at this at the surface, basically, what, six letters? For these changes going out to those precinct committeemen? But the bigger question is those six letters, it remains how many people are going to be at a different polling place than previously? And even from what David is saying it is still pretty large numbers, based on these changes.

Commissioner Mosby: So you have notified the Boards that this has been changed?

Marsha Abell: The Republican party has.

Commissioner Mourdock: And the Democrats have.

Marsha Abell: I don't notify the Democrats. I don't know what the Democrat party has done, but I know the Republican Party has.

Commissioner Mourdock: Yes, and Steve Melchoir has said that he has as well.

Commissioner Mosby: But, you haven't as far as an Election Office, you have notified?

Marsha Abell: I don't notify the Boards. That's not part of my job. That's the party's job.

Commissioner Mosby: Okay, so we have got six people that have been notified, and we've got 1,500 voters inconvenienced. I will go with the fifteen. You haven't notified the voters have you?

Anthony Bushrod: No, I just said that we hadn't.

Commissioner Mosby: Okay, I was looking at the look on her face and it was kind of like she didn't understand that.

Commissioner Mourdock: Marsha, you said a moment ago that you've got time. You need to come to the microphone here. What schedule are you working on? Going backwards on this, and the question of the moment here comes back to the handicap accessibility.

Marsha Abell: I have to publish 30 days before the election.

Commissioner Mourdock: The election being May 7<sup>th</sup>?

Marsha Abell: The first Tuesday after the first Monday in May. I think it is May 7<sup>th</sup>. We have to publish again, I think, 10 days before. We can even get, I am saying this, just I don't have any verification, but I feel comfortable that if I called the Election Commission they would give us some leeway, if I told them that we need to go back and check our polling places. But, at the December conference that we all attended, it was made very clear that if there is any place that is not handicap accessible, you have to change it this year. You don't have any option to wait until next year. You have to change it this year. It is a statute.

Commissioner Mosby: Okay and, Tony, you said a moment ago, the only sites you have not checked for handicap accessibility are the new sites on this list?

Anthony Bushrod: The new ones.

Commissioner Mosby: No, that is all he did check.

Anthony Bushrod: The new ones is the ones we checked.

President Fanello: They didn't check the old ones.

Commissioner Mourdock: Oh, didn't check the old ones.

Anthony Bushrod: The old ones, the ones we used in 2000, we did not check.

Marsha Abell: Did you change Locust Hill Cemetery?

Connie Carrier: Yes.

Marsha Abell: I know because I have gotten complaints daily on it.

President Fanello: Wasn't it, seems like there was another complaint about accessibility last year.

Marsha Abell: Well, I know over by Howell they were voting in a trailer, at one point, and that was a big complaint, because nobody could get in it.

Commissioner Mosby: That is when the school was doing renovation at Helfrich Park, and I don't even think, yeah, they are using Helfrich Park, but I think the renovation is done. They did make them vote out of a construction trailer.

Marsha Abell: Yeah, they did. So, I don't know, I mean, I do this every year, and I couldn't ,off the top of my head, couldn't tell you who I get them all from but if anybody lodges a complaint and we haven't made that change we are in violation and I, they don't take this lightly, they will fine us.

President Fanello: Well, yes.

Commissioner Mosby: Well, I mean I wouldn't bring it up, because they have voted at Schnute Towers before. I think what's happened here is that when we combined the precincts somebody took the polling places that should have been eliminated, which was the church and the Boys and Girls Club, and instead they reversed it and eliminated the other two. I mean, Schnute Towers, you have 100 people living in there. They are all older people, and now we are taking them out of there and moving them. Well, the Presbyterian Church, if it's the one I am thinking about, is over behind Germania Mannechoir. So, they will have to go from Schnute Towers all the way to Germania Mannechoir, and half of these people don't even drive. Half of them are 78 years old. So, I mean, that is what I am saying. We are inconveniencing 1,500 voters and arguing about this because somebody sent out 6 letters? That makes no sense.

Marsha Abell: It would be my thought that we need to get a car available tomorrow and actually walk into every one of these places and find out. There is a check list that we got in December, if you two don't still have it, I would be happy to provide it to you, certain things that you have to meet, certain things that they, like such as adequate parking and those kinds of things, there are some that you have to do, some that they recommend that you do. I know it is a lot of work.

Commissioner Mourdock: Rather than take any action on this tonight, it seems to me that given the possibility of having some of the older sites, that are not accessible, that we might still have changes after tonight.

Marsha Abell: I think you might.

Commissioner Mosby: So, instead of doing something now and publishing or getting things going, it sounds to me, like you were just saying Marsha, get on a fast horse and get to all those sites and get them done so that we would know, hopefully next week that we can act on this. Because with May 7<sup>th</sup> and coming back 30 days, basically, we would have to act next week.

Commissioner Mosby: I am going to agree with you on the part that we need to go and act on these immediately, but I am also going to make a motion to accept these two changes as the sites that they go look at.

Commissioner Mourdock: As the sites they go look at?

Commissioner Mosby: Why send them to the Presbyterian Church and the Boys and Girls Club when that is not the two sites that we are looking at?

Commissioner Mourdock: I thought you said these already have been sites in the past. You said they have already voted at Schnute.

Commissioner Mosby: They voted at Schnute Towers before.

Commissioner Mourdock: So, they don't need to go and look at that one, right?

Commissioner Mosby: I wouldn't, but what I am saying is that we need to accept that, you said not to act on this.

President Fanello: I mean, what he is saying is that they don't need to go to Immanuel.

Commissioner Mosby: If you act on this tonight, then they are going to look at the Boys and Girls Club and the Presbyterian Church, because that is what we voted on last week.

Commissioner Mourdock: You said that you have voted at Cedar Hall previously?

Anthony Bushrod: Right.

Commissioner Mourdock: Okay, so you voted at Cedar Hall previously, and that's going to be one. They voted at Schnute, and that's already been one, so the only one that we are talking about, David, is the St. Anthony Center?

Commissioner Mosby: No, they have already voted there before also.

President Fanello: No, they voted there.

Anthony Bushrod: It has been voted there before also.

Commissioner Mourdock: Then I don't understand.

Commissioner Mosby: What I am saying, Commissioner, is what you voted on last week, if they go and look at that list, Schnute Towers and St. Anthony-

Commissioner Mourdock: Oh, okay got you.

Commissioner Mosby: So, I am saying that we go ahead and accept these two changes, and this is the list that they work off of. Leaving 6-1 at Cedar Hall, and accept Schnute and St. Anthony. That would be my motion to accept them two.

Commissioner Mourdock: With the fact that they have been polling places, I will go ahead and second that. But, I am greatly concerned that we are going to have a greatly modified list next week given on what's just been recorded. And do either of you, can you give me any level of comfort or discomfort as far as what you might expect by way of the accessibility issue?

Anthony Bushrod: We can go out and look at them, but it's really, I mean, it's really not our responsibility, but we will go out and look at them.

President Fanello: Well, who's responsibility is it?

Marsha Abell: I'm sorry.

President Fanello: They said it's not their responsibility to look at the polling places. Who's responsibility is it? I mean-

Marsha Abell: It's always been done by Voters Registration, the Election Office has never done it.

President Fanello: I thought it was a Voter Registration responsibility.

Commissioner Mourdock: I am not trying to point fingers, that's not the point.

Marsha Abell: If you want us to do it, I will get a staff out tomorrow and we will do it.

President Fanello: Well, maybe we don't need Voter Registration anymore.

Anthony Bushrod: I will get some information to you that explains whose responsibility it is.

Commissioner Mourdock: Timeout. I'm not, that's not my interest, I am going to assume it's Voters Registration responsibility.

Anthony Bushrod: Okay.

Commissioner Mourdock: Now, the next question is, if it's your responsibility, do you know what you are looking for or whoever you send out, will they know what they are looking for? Do they need a check list from Marsha as far as the statute as far as accessibility or what do you need?

Anthony Bushrod: We have that.

Commissioner Mourdock: You have that. Do you have necessary manpower this coming week?

Anthony Bushrod: We will find it.

Commissioner Mourdock: Okay.

President Fanello: I don't know if some of the people in the office can help or something.

Commissioner Mourdock: Connie, you are uncharacteristically quiet, give me your comments here.

Connie Carrier: We will do it.

Commissioner Mourdock: Do you see any particular problem ahead of us?

Connie Carrier: No.

Commissioner Mosby: There was a motion and a second.

President Fanello: So ordered. I'm sorry, you do have the check list that Marsha was talking about?

Anthony Bushrod: Yes.

Commissioner Mosby: Do we need a motion to the effect?

President Fanello: How hard would it be to submit a check list to be signed off on or something? I just want some kind of verification that this meets the requirements.

Commissioner Mourdock: You are saying?

President Fanello: For each location a check list to be signed off on. I don't know how big this check list is.

Marsha Abell: (Inaudible. Not at mike.) Pretty simple.

Commissioner Mourdock: Is there a requirement from the parking lot to the poll?

Marsha Abell: I'm not sure that there is a parking distance, but I believe that is a requirement that if these places are not marked publicly, then the poll workers have to mark all spaces (Inaudible).

Commissioner Mourdock: Okay.

Marsha Abell: I haven't looked at it (Inaudible).

Commissioner Mosby: Is there a requirement for a gravel parking lot or black top parking lot?

Marsha Abell: I'm thinking there is.

Commissioner Mosby: Well, I am just thinking of a wheelchair.

Marsha Abell: Wheelchairs can't get across gravel very well. I do believe that they addressed that.

Commissioner Mosby: Because I can think of a couple right now that have gravel parking lots.

(Inaudible)

Anthony Bushrod: The Salvation Army is getting paid to be paved by, if that is what you are referring to, the gravel parking lot.

Commissioner Mosby: I am thinking of Howell Park and the shelter house which would be 6-8.

President Fanello: Do we need a motion on anything else? Okay. So, I guess you will report back to us next week and let us know what your progress is? Thank you guys.

**Phil Lawrence: Permission to Award County Highway Truck  
and Burdette Park Foods**

President Fanello: Phil Lawrence.

Phil Lawrence: I would like to ask the Commissioners to award a truck. I understand that there had been some discussion about it, and Phil Hayes has looked at it, and rendered an opinion that it is okay for us to award the truck to Freightliner of Evansville/Tri-State Utility for the bed. That was the request that is before you now.

President Fanello: Does anybody have any questions first?

Commissioner Mosby: I read the letter from the attorney, and I will just make a motion that we accept the bid.

Commissioner Mourdock: And before I act on that, this was the one that was a point of contention, as I recall, and maybe Ralph wants to speak to this as well. The point of contention was what, the transmission?

Phil Lawrence: The transmission.

Commissioner Mourdock: And the specs said what?

Ralph Kissinger: Excuse me, Ralph Kissinger, County Highway. The Miller Truck Equipment representative brought up the fact that the hydraulics system was not up to spec and that the steel in the bed was not to spec. I read through the specs, the attorney has read through the specs, and Tri-State Utility signed an affidavit that the bed was up to specs, and that the steel they are using is the steel that was specked, and also that the hydraulic system is in accordance with all commands. They said it would be done satisfactory as to the specs. So, what more do you need? That was the question that Jim Elpers had was that they weren't using the proper steel and they have signed an affidavit that said they are using proper steel. The bids are up to specs and that is the only questions that they brought up that night was that the truck was not in question, just the bed material.

Commissioner Mourdock: I agree the truck wasn't the question, but it was the bed material and a transmission issue too?

Ralph Kissinger: The transmission, no. We bid it two ways, we bid it with the standard transmission and an automatic transmission. The automatic transmission came in too high so we decided to go with the standard transmission package. That was the only difference in the transmissions. The transmissions are all the same. They are just what they call an eight speed double load transmission.

Commissioner Mourdock: And you said Jim Elpers, was he the gentleman that was here that night?

Ralph Kissinger: With Miller Truck? Yes, and those were the questions he brought up in the meeting, that the bed that they were using did not have the AR400 steel. Tri-State assured the County Attorney that it does have the AR400 steel. The other question he had was the hydraulic system. He said that they couldn't put a touch command system in because they sell the touch command and that's the brand name, but the specs are identical. Their system has the identical specs, so it's not-

Commissioner Mourdock: But the bid specs said touch command, am I hearing that?

Ralph Kissinger: It said, or equal. It had a touch command system. Everything in the bid specs says or equal. We can't specify a brand-

Commissioner Mourdock: Is that correct, Phil? It says or equal?

Ralph Kissinger: Yes, we can't spec a brand name, I have to put or equal. I can put a brand name in, such as the suspension, I can put a brand name in or I have to put and equivalent or equal to or exceed, something like that in there. I can't spec a brand name. Is that correct?

Phil Lawrence: That is correct.

Commissioner Mourdock: And, Phil, you are telling me that is the way that the spec went out? It was with the or equal language?

Phil Lawrence: And/or, or equal.

Commissioner Mourdock: Okay. I don't know that we have heard the last of it, but I will second.

President Fanello: I will say so ordered, as long as, I mean, if for some reason the vendor that we have awarded it to comes back and says I can't do that, then I would say that we do not, we go to the next lowest bidder.

Phil Lawrence: You may want to ask for a performance bond then.

President Fanello: Okay, then.

Phil Lawrence: Just to cover our behinds.

Ralph Kissinger: There is a performance bond.

President Fanello: There is a performance bond?

Phil Lawrence: Performance bond, yeah.

President Fanello: Thank you. Oh, you had another one, right?

Phil Lawrence: Yeah, this is the annual food and beverage bid that we actually went out to try and get a concessionaire, and that didn't work out. So we are asking for permission to bid out the food and beverage service for this year. That will go out and will be bid—

President Fanello: The service or the supply?

Phil Lawrence: Just the supplies. The food and the beverage.

President Fanello: The food and beverage.

Commissioner Mosby: I make a motion to bid for supplies.

Commissioner Mourdock: Second.

**John Stoll: County Engineer  
Permission to Advertise Heppler Road Bridge Replacement VC-02-03-01**

President Fanello: So ordered. Then we have one from John Stoll. I don't know who was going to handle that. I know he is out of town this week. I think he is just asking for permission to advertise for Heppler Road Bridge Replacement.

Commissioner Mosby: Motion to advertise.

Commissioner Mourdock: So moved, second.

President Fanello: So ordered.

Madelyn Grayson: He did supply me with that, so I will get that into the paper tomorrow.

President Fanello: Okay, thank you. Ralph Kissinger.

**Ralph Kissinger: County Highway  
Update on Road Hearing**

Ralph Kissinger: John Stoll and I got together last week and added the roads to the list that we had, excuse me, I think the additions were Old State Road, Denzer Road, Old Henderson Road, Tupman Road, County Line West, Old Boonville Highway, Telephone Road, Boyle Lane and Schutte Road. That brought our total, estimated total to \$1,265,476, of which the Engineers office said they would contract, excuse me, they would take bids, not contract, but actually take bids on Old State Road, Old Henderson Road, Old Boonville Highway, Telephone Road and Schutte Road, and that should get us in close to being within both of our budgets, but I want to stress to you that I am going to go over the worst roads first. The roads that are most in need. Then if funding is depleted at the end of the year, then we will have to pick those roads up at the beginning of the year. But, I can't promise that all of these roads will get done. Last year I made the same option, but we ended up getting everything done. I do have some milling to do, and I have several roads that have to be milled this year because of the shape that they are in. So, I will say that I think

we can get most of these done, but I can't actually promise, but they are on the list, and I do have the wording as tentative on top of this. If you will accept this, I will go ahead and make it up as an official list that we will work off for the year. John Stoll, as I said, and I was in communication, he told me that he was going to be out of town, but to bring up the fact that he thought for sure that he could handle this. The roads that I had highlighted on your sheets and also there was some work to be done on Vogel Road, some concrete work and some sealing work that he thought he was sure that he had enough money to take care of that also while he was at it. I know, Commissioner Fanello, you had asked for a map, once this is approved, I will give you a map but I think that once again, as last year, we've divvied the money up pretty well between all three districts. When you consider as much as the Burkhardt and Lynch Road project is taking up, I am sure, there is actually more road funds going into the east side right now, but those are two major projects, but other than that these are roads that, like I say, pretty well have all three districts spread out. I can give the media some copies of this.

President Fanello: Can you, you said that you were going to do the worst ones first. Can you prioritize them on the list? That way on the next list that you give us—

Commissioner Mourdock: Or color code the map.

President Fanello: Yeah, that's fine.

Ralph Kissinger: I will color code the map, as I did last year, on the roads that are in the most need of repair, and I will explain that to you. Just off the top of my head, such as Boyle, I think it's Boyle Lane or Boyle Road, off of 41 out there. There is almost a brand new bridge out there and the road has just deteriorated so that is going to have to be taken care of. Somebody said that the state was talking about taking that over or something at one time with the right-of-way and it never happened. So, I think that is why that road has been overlooked for so many years. Also, John Stoll and I talked the other day and this County Line west that they were talking about needing some widening on the curve, I think John is going to mention it but I will bring it up too, I think that there are so many deeds of right-of-way out there that are going to have to be researched that I think it would probably be best if we got someone as a consultant to go in there and get that project lined out. It is not a big project, but it is going to run into a lot of headaches because it runs, it runs Posey County, and then it drops down and there is a jog in there that is Vanderburgh County, and then it jumps back up and it is Vanderburgh County again. If both counties don't coordinate on this, it is going to be a beautiful road for about a 1,000', and then it is going to be gravel and then it is going to be a beautiful road for about 30'. We need to get the counties to coordinate on this so. But, I am, I do have it on the list for improvements, but I don't know what we are going to be able to do with it.

President Fanello: Are there any other questions? Do I have a motion to accept this?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Ralph Kissinger: Thank you.

President Fanello: Thank you, Ralph.

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

President Fanello: Yes.

**(Tape Changed)**

**Phil Hayes: First Reading & Public Hearing  
of Amendment to Chapter 2.5-2  
Composition of APC Board**

President Fanello: Okay, Phil Hayes, first reading, a public hearing of amendment to Chapter 2.5-2 of the Vanderburgh County Code.

Phil Hayes: Yes, this amendment goes to the composition of representatives for Vanderburgh County. As it's entitlement, it is the code section 2.5-2.030, and that provision is that the county executive may appoint now under state law effective January 1, 2002 either the County Agricultural Extension Educator or (b), the County Surveyor or the County Surveyor's designee. And that is the only change. I will say that it was the recommendation of the Planning Commission's attorney, Joe Harrison, that the language be reshuffled and this amendment reorders the manner that the old ordinance set forth those alternatives.

President Fanello: Is there anyone who has any comments or wishing to speak to this first reading?

Commissioner Mourdock: Motion to approve.

Commission Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: That will still have to come back to us for a final reading, then, correct?

Phil Hayes: Yes.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Alright, is there any other group or individual wishing to address the board? We have one.

Marsha Abell: Marsha Abell, County Clerk. I wanted to give you a little report. I know there's some controversy about me going to Sarasota. I hate to say it, the weather was beautiful. I didn't get to enjoy it because I was at the polls at 5 a.m. I just wanted to tell you that I was not excited about the touch screen when I went down there to see it. I changed my mind. We will be forced with purchasing new equipment before 2004, unless the state legislature changes that. This is one of the systems that they have selected state-wide as one of their preference systems. I was amazed. I interviewed people as they were exiting the polls, and everyone I interviewed admitted to being over 65, and I wouldn't have had to ask them, I can

guarantee you they were. I think our elderly people go there to retire. And they loved it. They weren't scared of it, even the elderly people who said, well, I've never used a computer before. But this is just like my bank. Many of them said it's just like my bank. The name was on the screen. They just touched it at the end. They said have you completed voting? Yes, I have. Then it came up, here's who you voted for, is this how you want to vote, and you push vote, and your voted was recorded. It would tell you – you can vote for four people in this race and you only voted for two. Did you intend to do that? Yes. I didn't intend to vote for all of them or nope, I want to redo it, I meant to vote for all four. It gives you lots of options. It's just so friendly. It didn't take long, they got in and out. You know, one of our concerns was one screen, one person, would maybe take a long time to vote. It didn't take them very long to vote at all. They got out of there pretty quickly.

Commissioner Mourdock: Did they – I mean, how did they see that, though? Did they sense they were in there longer? I mean, your first time there. You couldn't really tell there was even that ballot, did you ask them, did this take you longer than the last time you voted?

Marsha Abell: Yes, I did, and they said no. As a matter of fact, they were on punch card identical to ours. So it's kind of interesting when I said, how did you feel about going from punch card to what you did today? And one of the things all of them said was, I was so glad I didn't have to make sure I had that card stuck in there and I knew when I voted, I voted for the right person, because his name was on there. One lady said, you know, when you pull that card out, you just have holes in the card and you don't know if you really voted for that person or not, and she said I know I voted for the right person because I saw his name and I pushed it with my finger and it lit up. And they were all just really, really excited about it. This was the first time the clerk has – actually, they have a superintendent of elections. They don't have a clerk. A clerk doesn't run it there. But this was her first time to run a county-wide election on this. They had a little city election a couple of weeks ago just to see if the machines worked, and so she did not want to use the modem capability as a final tally, but they modemed the results back to headquarters and they knew them in less than 20 minutes after closing the polls. They knew who won. And then they checked that against the modem. Then they brought the equipment in, they didn't make the announcement until 9:30 of who had won. And they checked it and it matched up perfectly. What they brought in hard copy-wise matched up with what they modemed in. They modemed in wireless without the use of telephones. It was a slick operation. It went just beautifully. I was so surprised that I had already decided I was not going to like this system. And I interviewed one gentleman who left, who is in a wheelchair and blind, and he said it's the first time he's been able to vote without assistance, because they've never had a system that would read it to him. He went in to a booth, sat down, hooked up an audio and it read it to him, and all he had to do was push a button when it got to the name he wanted to vote. It was just a wonderful system.

Commissioner Mourdock: Is every polling place capable of having that? In other words –

Marsha Abell: Yes. It's – matter of fact, the machine is identical. You just put a little audio hook onto it, because they were allowing people to vote on it that didn't need it, and I said, well, why do you do that? Dumb me saw that if there's one person that used it because they needed to, you wouldn't be able to figure out what his vote was. But he wanted to make sure every machine had an equal number of

votes on it. So that's why they don't have one specific for that. I mean, they only have one you can do that on, but they use it for other people too so that no one can track that vote. Their voter registration package that they bought with this system, all of you have voted, and remember when you go on and they have that great big green bar book and they say here's your name and they turn it around and then you sign it and then turn it back around, well, they've got it – it seems like a simple thing, but it really speeded things up, the name was written where the clerk, the deputy sitting there, could read the name this way, but the line to sign on was turned the other way so they never had to move the book. They just said here's your name, here's the line. And everything, every little bitty thing that you don't think about being a big deal becomes a big deal when you've got a crowd on election day. They took care of. It was an exceptionally good system. I was really surprised.

Commissioner Mourdock: And have you looked over the shoulders of another election where they've done the optic scan?

Marsha Abell: No, I have not. I think, you'll be glad to know, I think they're going to do one in Illinois, which I'll be able to drive to. But of course, I can't go when we have an election because Indiana runs all their elections the same time and I have to be here. But I do want to take a look at the optic scan.

Commissioner Mourdock: Yeah, they had their primary just the other day, though, didn't they?

Marsha Abell: They did and actually, they're on punch card in Chicago. However, they have their punch cards, you know the machine we've got that reads those cards at night down at the election office, they have one in every precinct and they read their cards at the precinct level. And then (Inaudible) the results in.

Commissioner Mourdock: And with the touch screen, unlike the optic scan, you don't have one piece of paper as a backup as you would with optic scan, is that right?

Marsha Abell: That's true. It comes out on a printout. However, you can get an enormous printout. I mean, it can print out exactly what day, time, that machine was used and how that vote was recorded. So if somebody says I know I was in there at 12:15 and I know that's who I voted for, they could tell, you know, if someone did vote for that person at that day and that time. And it's just a really nice system. I was very, very surprised. I thought it was really nice that the gentleman who spoke to me said it was the first time he's ever been able to vote without assistance. And he was pretty proud of that, you know, that he got to cast his vote secret like the rest of us do. I picked up a lot of good tips, small things for my office, but good for the poll workers. I'm going to go out with a camera right before the election, take a picture of every polling place and put it on the front of their folder so if they can't find the address, they can just look for the building, you know. That's a big issue down there because buildings move and the growth is so great. But just little things that I've picked up, it was really well worth the trip. I appreciate you allowing me to go because I really saw something that ran just about as slick as anything could ever run. I did pick up one little tip that I would like to present to you to think about, and that is I.D. cards for the county workers here, for everybody that works in this building. They called in county workers to help them that night, and it really cut down in stopping the people at the door if they had an I.D. card on. They knew they worked at the county. I know the city has I.D. cards

and we don't, and I thought that would be a big help to us, because we also use a lot of county workers election night and, you know, we don't know who everybody is and by the time everybody gets down there and they're milling around, we don't know who is supposed to be where. It's nice to have some type of identification and then I would have some just say volunteer on them. But, you know, a county employee, it would be nice for them to use their county I.D. But again, it was a really worthwhile thing to go see and there were about 50 people there from almost every state in the union and everybody was delighted at what they saw.

President Fanello: Thank you, Marsha. Is there any other group or individual wishing to address the board?

**Ralph Kissinger: County Highway**

President Fanello: Now we'll move on to department head reports and the County Engineer is absent but he did include a report. County Highway department?

Ralph Kissinger: Remind me to thank John next week. The only thing I have to add besides my weekly report, Commissioner Mourdock, you asked me last week about our road (Inaudible). We've got about \$300,000 less in our budget this year for road improvements, bituminous, and also the price per mile went up almost \$10,000 this year to buy materials (Inaudible). So I just wanted to answer that question for you. Other than that, I have nothing to add.

President Fanello: Are there any other questions?

Commissioner Mourdock: Yeah, would you give a call to Mr. Jim Bittner?

Ralph Kissinger: Jim Bittner?

Commissioner Mourdock: Yeah, I think his number is 867- either 2255 or 867-5522.

Ralph Kissinger: I have to ask the press for a pen. Jim Bittner?

Commissioner Mourdock: Yes, 867-2255 or 5522.

Ralph Kissinger: Okay.

Commissioner Mourdock: He's at 12945 Browning Road, and he has a stretch along that road where he would like to put a culvert. He's willing to buy the culvert, but I'm not sure it's necessarily in our best interest. So take a look at it and see what it is and report back. If you can give him a call tomorrow. Are you going to road school?

Ralph Kissinger: No, my assistant and the bridge superintendent are going this year.

Commissioner Mourdock: Give him a call in the morning. I've had his request confused with another Mr. Bittner who had called me on something else the other day and I kind of let this one drop. So if you could give him a call, I'd –

Ralph Kissinger: Sure, I'll call. No problem.

President Fanello: Thanks, Ralph.

**Phil Hayes: County Attorney**

President Fanello: County Attorney?

Phil Hayes: Yes, I have a lease agreement for review and signature tonight in settlement of parcel 20 on University Parkway project. This is a part of the negotiated settlement in acquiring the parcel with the owners Marvin J. Wright and Nancy G. Wright, and it's the lease which would cover occupancy of the home that we are taking title to along with the underlying fee simple. It's for a dollar a year. It requires insurance to be carried by the occupants and indemnification and liability as well. This was a negotiated settlement that was done between the parties and our land buyers, Mr. Bennett from Bernardin Lochmueller. I've reviewed the terms of the lease. They are consistent with the settlement. It's our understanding that we'll be taking possession of this into the Fall, but there is no need for it now and so it was considered part of a savings for acquiring that parcel, and I'd like to recommend that it be executed and submitted back to the parties then as part of the settlement.

Commissioner Mourdock: I'll move that we execute the document.

Commission Mosby: Second.

President Fanello: So ordered.

Phil Hayes: And we have the original one that will eventually get down to the Auditor's signature – get to the signature file for tonight or rather if you would like to sign it as you see it, then we'll make copies and I'll distribute those to counsel for the land owner tomorrow. We have a matter that's later in the agenda which is being deferred and that's the County Treasurer's - Markham Security Specialists contract, and that's the, that's a proposal concerning transportation and packaging of county deposits from the Treasurer's Office. We have an existing contract with Brinks, and I think that that's been adequately discussed in previous meetings with the Clerk and the Treasurer both here. I wanted to make a record tonight that we had received a proposal addressing liability for use of zipper-locked bags and the contract requires at this time that the transporter, Brinks, is liable to shortages or discrepancies. They wish to remove that. In order to consider it, it would have to be placed on the agenda and it was not received until today by mail. So for the sake of the record, I'd like to have that agenda'd next time and then properly considered on the April 1 meeting date. It won't require any motion right now and I also wanted to, for the sake of our record, in regard to this matter note and submit that there was a demand letter previously received by the County Treasurer and actually addressed to the Commission dated January 29, 2002, from Brinks requiring that we can no longer transport zipper bags beginning March 1. We would be required instead to buy cover bags for \$23.50 per hundred. And they've been operating on samples. It's my understanding that those samples will run out on or about April 29. And for the record I'd like to submit this. In addition, there is an accompanying letter to the Commission which needs to be submitted for the record, that the price increases reflect a 4% increase on this contract. I'll place those documents in. Neither action requires any confirmation by the Commission

at this time and we will agendize the request to amend the Brinks contract. We have a minority business enterprise ordinance drafted in county form and we'll be asking that that be placed on the agenda for the April 1 meeting, and I have copies of those to pass out. We have passed out the city version. There were no changes received by our office by the time of the meeting, so if there are any changes you would like to see incorporated they can be prepared and we can consider those on request for first reading which would be April 1<sup>st</sup>.

Commissioner Mourdock: So do we need a motion to advertise this for first reading on April the 1<sup>st</sup>?

Phil Hayes: This was not, it wasn't placed on the agenda – it was not placed on the agenda for this –

Commissioner Mourdock: So next week we'll schedule the advertising?

Phil Hayes: Yes.

Commissioner Mourdock: Okay.

Phil Hayes: Yeah, and we have one for the record and also a disk, Madelyn, for your use. Do you have one, David?

Madelyn Grayson: Counselor Hayes, do I understand you correctly, we need to pull the Markham Security from the signature file for this evening?

Phil Hayes: It's my understanding that we were notified that the Treasurer would not be here tonight on this, and we still had the record previously made that was done. Mr. Stoll –

Commissioner Mourdock: So was that a yes or a no? Do we pull it?

President Fanello: Yes.

Commissioner Mourdock: We do pull it?

Phil Hayes: (Inaudible)

Commissioner Mourdock: Okay.

Phil Hayes: John Stoll had previously asked the Commission for its consideration of a county ditch ordinance and that draft was submitted to my office. I've talked to John about it, gone over it, and we are prepared if it meets the Commission's approval to proceed on that. We would propose to put it in appropriate form and submit that to the Commission for a draft review, not a permission to advertise particularly until John is able to be here. And with your, if we have your agreement, your agreement to proceed with that, we'll go ahead and start the drafting of it.

President Fanello: Have you seen the letter – he sent a letter to all of us, its been quite a while ago about a possible ditch ordinance.

Commissioner Mourdock: Right, yeah. I'll so move.

Phil Hayes: And it'll be, as I say, just prepared in draft form for your review. It's not – and John will be available to answer any questions on it April 1<sup>st</sup>.

Commission Mosby: Second.

President Fanello: So ordered. Okay, is there anything else?

Phil Hayes: I don't know if the Clerk is going to return, but we have reviewed a contract by Xerox Corporation and that appears later on in the agenda. It is a standard shell form for this kind of hardware. We noticed it has a demonstration provision for 21 days after approval on it. We have no problem with this contract, there are no technical issues that really need to be addressed on one this size.

President Fanello: What about the, did she say anything about the interest rate being 12 ½%?

Phil Hayes: As far as the substance of that, it's our understanding that wasn't addressed, unless she's prepared to address it later on, I have – as far as the legal form of it, it's –

President Fanello: It's in legal form.

Phil Hayes: It's a standard shell form, equipment agreement. And although it has some provisions that we wouldn't like to write in on one this size, we see no problem with it. It also has government customer terms in it subject to funding so that if funding either runs out or isn't put in place on the lease, then it can be returned under certain circumstances.

President Fanello: Okay.

Phil Hayes: This interest rate, by the way, is listed on the third page, which is a summary page, at 12.5%, total interest payable on the lifetime of the lease, \$5,461.04, in response to that. I think there's a copy of that in tonight's folder.

President Fanello: Okay.

Phil Hayes: Legally, we have no objection to the proposed contract.

President Fanello: Are there any questions?

**Tammy McKinney - Superintendent of County Buildings**

President Fanello: Okay, Superintendent of Buildings. I don't think Tammy –

Patty White: She only had two late pink slips to include.

President Fanello: Do we know why they were late?

Patty White: They were brought in to us this morning.

Madelyn Grayson: She mentioned that one, they had an employee actually quit this morning.

President Fanello: Ah.

Commissioner Mourdock: But both of these came in this morning?

Patty White: Uh-huh.

Commissioner Mourdock: Just to try to change this on-going practice, I would move that – well, I won't make this as a motion – but normally, I would move that these be included into the consent files. Tonight, I would move that they not be included in the consent files and we save them until next week. We need to get the word out that we don't want these at the last minute.

Commission Mosby: Second.

President Fanello: So ordered.

**Gary Hohman - Burdette Park**

President Fanello: Okay, and Burdette Park. Thank you for that motion.

Gary Hohman: Gary Hohman, Burdette Park. You have our work package. The only other item that we have is item J, in your consent package and I think Steve has addressed the letter explaining our justification for this request. And if there is any additional questions you might have, I'll be glad to try to answer that question.

President Fanello: Does anybody have any questions about the cell phone?

Commissioner Mourdock: I don't.

President Fanello: Alright, thank you.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have the Soil & Water report and the Ozone Officer's report. I move those be added to the record.

Commission Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: Let's see, consent items, I would like to pull the Xerox contract and have a roll call vote on it.

Commissioner Mourdock: I'll move that we pull the Xerox contract.

Commission Mosby: Second.

President Fanello: So ordered. Is everything else alright with everyone?

Commission Mosby: Are you going to pull the County Treasurer's until next week?

President Fanello: Yes, we –

Commission Mosby: I'll make a motion that we pull item E until next week.

Commissioner Mourdock: I'll second.

President Fanello: So ordered.

Commission Mosby: And I'll make a motion that we pull item F and vote separately.

President Fanello: Okay. Oh, I can't say okay.

Commissioner Mourdock: Second.

President Fanello: So ordered. So is that the last item we're going to pull?

Commissioner Mourdock: So we're pulling E, F, and what was the other one?

President Fanello: D, E, and F, all right there in a row. On item C, which is a question for Tammy, there was a request for an actual phone line. Most of the requests we've had lately have been for repairs or such, and I just saw that today and didn't have time to follow up on it, but I'm not sure what the – it says for a FAX line so I'm not sure what prompted the request or what they were doing before. So I probably would like to ask a question on that one. I mean, because it's going to be an additional phone charge to our bill, putting in a new FAX line.

Commissioner Mourdock: Okay.

President Fanello: So I guess we have C, D, E, and – er, C, I would like to pull C if I can get a motion on that.

Commissioner Mourdock: I'll move that we pull C.

Commission Mosby: Second.

President Fanello: So ordered. We may just pull every item. Is there any others that we'd like to pull? Maybe we need to vote on which ones we want to keep. Okay.

Commissioner Mourdock: With those four removed, I would move approval of the consent items.

Commission Mosby: Second.

President Fanello: So ordered. And I believe Commissioner Mosby would like a roll call vote on the blue claim form.

Commissioner Mourdock: Which would be item F?

President Fanello: Yes.

Commissioner Mourdock: Okay, I'll move approval for the approval of the blue claim form for training, item F, for the purpose of a roll call.

Commission Mosby: Second for the purpose of a roll call.

President Fanello: So ordered. Roll call vote Commissioner – oh, I guess we need to make another – we don't need another motion, alright. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commission Mosby?

Commission Mosby: No.

President Fanello: And I am voting yes for one reason and one reason only. And that is we have two bills at USI, and I'm not wanting to incur any legal fees, so I'm going to vote yes on that to get them paid, but it is my understanding there will be no future bills and there will be no vote yeses in the future, so – from me.

Commissioner Mourdock: Okay, then did you want the Xerox contract for a roll call?

President Fanello: Yes.

Commissioner Mourdock: I'll move approval of the Xerox contract, item D, for the purpose of a roll call.

Commission Mosby: Second.

President Fanello: So ordered. Commissioner Mourdock?

Commissioner Mourdock: No.

President Fanello: Commission Mosby?

Commission Mosby: Yes.

President Fanello: And I vote no. We're not paying 12.5% interest. And then the County Treasurer –

Commissioner Mourdock: May I come back to that one for a moment? I would direct then that the County Attorney work with the County Clerk to renegotiate that contract to remove that interest rate.

President Fanello: Do I have a second on that? Second and so ordered. Okay, then the other two items will just be put back on the agenda for next week after questions are answered and that's the Markham Security Specialists and the request for service for Judge Lloyd. <sup>1</sup>

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<sup>1</sup>Consent Items listed on Page 49.

**Scheduled meetings**

President Fanello: Okay, scheduled meetings. I don't know of any. Anybody have any scheduled meetings?

**Old Business**

President Fanello: Old business. I'd bring up under old business, last week I had asked each Commissioner to bring back a name for the jail authority to get moving on our bond issue. Does everyone have their choice?

Commission Mosby: I'll enter into the record as my choice, the name of Paul Mayer, owner of Paul's Pharmacy.

President Fanello: How do you spell his last –

Commission Mosby: M-A-Y-E-R. Also one of the (Inaudible).

President Fanello: Commissioner Mourdock?

Commissioner Mourdock: And I'm sorry. I forgot to get a name. I called and they didn't call me back and I didn't follow up.

Commission Mosby: Do you want me to make one for you?

Commissioner Mourdock: Thank you for your generosity.

Commission Mosby: I only want to help.

Commissioner Mourdock: I know. I know.

President Fanello: And I do have my name, so if we could maybe go ahead and vote those two. Mark Owen. And I guess we need a motion to approve those.

Commissioner Mourdock: Yeah, motion to approve those two names.

Commission Mosby: Second.

President Fanello: So ordered, and we'll wait for yours next week. Any other old business?

Commissioner Mourdock: Just one bit, I guess this is old business. With everything we're doing with the jail now, we seem to be making some progress with United as far as the week to week. I'd like to have included just as we get these other weekly reports, I'd like to have a summary report from them each week as to what they're doing.

President Fanello: Okay. Commissioner Mosby, do you have any comments?

Commission Mosby: I agree.

Commissioner Mourdock: It doesn't need to be anything more than maybe a one or two page outline, but we're going to be getting some big bills and we need a track record as to what they're showing for.

President Fanello: Alright, I'll put that request in.

**New Business**

President Fanello: And is there any new business? Seeing no new business, I'll entertain a motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered. We'll start Drainage Board in five minutes.

(Meeting adjourned at 7:00 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk                      Superior Court                      Election Office  
County Surveyor

**Travel Requests:**

Health Department              Center Assessor              Area Plan

**County Assessor:** Approval of Blue Claims for Training

**PTABOA:** Extension of Agreement with Paul Hatfield

**Treasurer:** Submit monthly report.

**Superior Court:** Declaration of Surplus Copier.

**Burdette Park:** Contract for Cell Phone.

**Health Department:** Contract with R & R Hauling.

**Auditor:** KRONOS Agreement for Community Correction & Public Defender.

**Sheriff:** Weekly Jail and Community Corrections Information.

**Commissioners:** Lease Agreement University Pkwy. (Wrights)

**Those in Attendance:**

Catherine Fanello              David W. Mosby              Richard E. Mourdock  
Philip Hayes                      Bill Fluty                      Patty White  
Madelyn Grayson              Doug Knight                      Tim Van Cleave  
Marsha Abell                      Alan Teeple                      Phil Lawrence  
Eric Williams                      Anthony Bushrod              Connie Carrier  
Ralph Kissinger                      Gary Hohman                      Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, Teri Lukeman and  
BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
April 1, 2002**

The Vanderburgh County Board of Commissioners met in session this 1<sup>st</sup> day of April, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Vanderburgh County Board of Commissioners meeting, April 1<sup>st</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right, Superintendent of County Buildings, Tammy McKinney; County Attorney, Phil Hayes; Commissioner Mosby; myself, Commissioner Fanello. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the minutes from March 25<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Phil Lawrence: Permission to Open VC12-2002:  
Burdette Park Master Plan**

President Fanello: Phil Lawrence, permission to open Burdette Park Master Plan.

Phil Lawrence: Does anyone else have a bid for the bid opening?

President Fanello: Anyone else have any RFP's for Burdette Park Master Plan? Don't see any.

Phil Lawrence: I believe it.

Commissioner Mourdock: Seeing none, I'll move—

Phil Lawrence: No, we do have one. We do have one. Okay.

Commissioner Mourdock: Seeing one—

Phil Lawrence: I'm sorry.

Commissioner Mourdock: –yeah, I'll move the package be delivered to the County Attorney to be opened.

Commissioner Mosby: Second.

President Fanello: So ordered. Yes. Go ahead and–

Philip Hayes: Proceed?

President Fanello: Yes.

Philip Hayes: The project proposal VC2002-12, Burdette Park Five and Ten Year Master Plan. Received, apparently, one response from the Corradino Group. Request for Proposal and consists of packages for County Commissioners and addressed there.

President Fanello: Okay.

Commissioner Mosby: I'll make a motion that we take the one proposal under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered. We'll review those over the next few weeks.

<b>County Clerk: Xerox Contract</b>
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President Fanello: Next item, County Clerk, Xerox contract.

Marsha Abell: I didn't mean to tear it up. Marsha Abell, County Clerk. We had sent through a contract that Xerox had given us in relation to replacement of our copy machine. I think you had some questions about the 12% on there. This was a contract negotiated by the State, which is why we got the copier at the price that we did. If we want to negotiate it, that's fine, but we won't get this price. That 12% came with that price. That was a State negotiated contract. I don't know, have you seen this, there was some lady you could call?

President Fanello: I saw that.

Marsha Abell: Okay.

President Fanello: Does anybody have any questions?

Commissioner Mosby: What kind of price are we going to get if we negotiate it on our own?

Marsha Abell: I don't know, it would be substantially higher, is what they told me.

President Fanello: So, really, maybe, they make up the reduction in price with the interest rate?

Marsha Abell: I suspect. I mean, I don't, everybody's got to make a profit. The problem is, we make so many copies that I hate to deviate too much, because if they

start charging us by copy big time, then we lose our profit, if you can call it a profit, government doesn't make a profit, but the money we get back on the copies that we sell across the counter.

President Fanello: Richard, do you have any questions?

Commissioner Mourdock: The late fee that was at 16%, is that right, Marsha?

Marsha Abell: I think so.

Commissioner Mourdock: Do we, have we consistently avoided any late fees?

Marsha Abell: I don't think, I don't know that we've ever paid a late fee. I think, at one point, that maybe we were late, but they didn't charge it.

Commissioner Mourdock: Okay. We'll hope they maintain that precedent, should it occur. I'll move then that we approve the Xerox contract as requested by the County Clerk.

Commissioner Mosby: Second.

President Fanello: So ordered.

Marsha Abell: You know, this is in my budget.

President Fanello: Yeah, I knew that.

Marsha Abell: Okay, thank you.

<b>Voters Registration: Changes in Polling Places</b>
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President Fanello: Okay, Voters Registration. I believe they turned in a summary. Neither one of them are here tonight. They did have a couple of concerns. So, I guess if we want to... I don't know exactly how you want to proceed with those. If we want to have somebody check them out.

Tammy McKinney: I think they've been going to all the polling places.

President Fanello: They did, but they—

Tammy McKinney: It should be on.

Commissioner Mosby: Well, it looks to me like they've only made it to 58 so far.

President Fanello: Uh-huh.

Commissioner Mosby: So—

President Fanello: But they do have some that she said I would call to your attention. I don't know if there are problems. Oh, minor issues that are described in the checklist.

Commissioner Mourdock: I haven't seen the checklist. I just have the summary here. I don't know—

Tammy McKinney: I think that's the checklist right there.

Commissioner Mourdock: I'm seeing that, but I meant, I've not seen the individual checklist precinct by precinct.

Tammy McKinney: We have those in the office, and I didn't know if you wanted me to make a copy of everything for everyone.

Commissioner Mourdock: Yeah. I don't know at this point that that's pertinent. I guess, the bigger question I have, the bigger question I have is if, in fact, they find something that's out there, are we going to have time, pre-Primary, to do everything we need to change them? I'm not convinced we will have. That doesn't mean that we might not go through the effort to try to change between the Primary and General, which would not be a popular thing to do, but we certainly do need to make sure these are as compliant as we can make them.

Tammy McKinney: Right. I think the issues that they are running into is—

Unidentified: Oh, are you okay?

Commissioner Mourdock: For those of you at home, that crashing sound—

Tammy McKinney: Well, I guess, everything needs to be handicapped accessible now doesn't it?

Philip Hayes: This might be a good place to bring up the fact that there is one disability accessible polling place that, under statute 3-11-8-6, can be designated, and should be designated 29 days before Election Day. In order to cover that eventuality, that one polling place or another either is, or may become inaccessible by the time the election begins, and by designating the single polling place for disability accessible, and making sure then that it's included in the polling places advertised, I think, it would be possible to cover any emergency eventuality. If someone comes to a polling place, and it turns out to be inaccessible, they can then be directed here, or they can already see it advertised. If you designate that this evening, and I think in the past it's probably been this Civic Center polling place. I'm assuming that one will be designated here, that way you are assured of all accessible facilities, and there can either be a referral or any actual plan for persons to come here.

Commissioner Mourdock: That way we have all the necessary poll book information right here as well. Because if they come from wherever, they still need to be checked in—

Philip Hayes: That is correct.

Commissioner Mourdock: Okay.

Philip Hayes: Yeah. There is a, however, it's a 29 day period, prior to the election. I was intending to bring it up earlier and request that one be done. I say earlier, I intended to do it later on in our agenda tonight. The statute doesn't indicate that you have to do an absolutely exhaustive search. I think it's the best policy to do so,

because you have so many new places. That would, hopefully, cover that. You may wish to designate more than a single one. You may want to designate, for example, four—

Commissioner Mourdock: Are we required then, Phil, and I don't recall this ever coming up before, where we would have to post a notice at all of the polling places?

Philip Hayes: No, you don't have to post a notice. You're going to publish, and then you can post the notices if there is an emergency or a change that's within two days of the election, posting notice is the only thing that you have, that you can do under the law. It would be appropriate that among the designations that we make, at least tonight, in order to cover the 29 days before Election Day. We're going to want to get that done. The publication of the notice doesn't arrive until 10 days before the election. It's our understanding from talking to the Recording Secretary, that her records indicate it's customary, not required, to publish 17 days and 10 days before the election, from what we can find, and there don't appear to have been any changes in the law this session. 10 days is sufficient.

Commissioner Mourdock: Okay, so, we've got a lot on the table here, let me boil that down. You're suggesting that we designate the Civic Center as a handicap accessible polling place for all Vanderburgh County residents, and go ahead and advertise that as part of our normal polling advertisement.

Philip Hayes: Yes, and the designation of it as the official one is important to do 29 days before.

Commissioner Mourdock: Okay, well, I would so move that we do that then.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: As a follow up to that, even though it may not be required, it seems to me, that at the polling places on Election Day, we ought to have a notice visible so that anyone who, for whatever reason, cannot get into the actual polling place there would be reminded that they could go to this location, or come to this location.

Philip Hayes: Exactly. The accommodation might be there, but it might not be adequate. I don't think, from the report that we have, I don't know that we can count on that being an exhaustive survey of it under the Federal law—

Commissioner Mourdock: Right.

Philip Hayes: —and I don't think anybody intended for it to be.

Commissioner Mourdock: Okay. Well, I would move that we have such a notice published at the polling places on Election Day, Primary Day.

Commissioner Mosby: Second.

President Fanello: So ordered. Just so everybody's clear, who's responsibility will that be to make sure those notices are posted? Is that, do we need to designate someone to do that?

Suzanne Crouch: Should Marsha designate the Inspector?

Marsha Abell: We were just talking about that. Yeah, I guess, we'll tell the Inspectors. We'll cover that in our Inspector school as to, you know, designating the notice at the polls. I was just discussing with my Election Deputy, we'll also have to talk to the building here, because this building is actually locked down Election Day. Nobody is allowed in, all the lights are turned off. I will get the lights on, make sure that they, and we'll set up a polling place. It's not a big deal, it's just something we need to foresee. So, if there is anything else that we can think of, we probably need to cover it, and make sure that we've got everything covered.

Commissioner Mourdock: Okay, well, just to be very specific with this notice then, how about this? It's only going to take a hundred and, what do we have 142 precincts now?

Marsha Abell: Uh-huh.

Commissioner Mourdock: So, we could produce on 8 ½" X 11", 142 notices here in our office. Just deliver those to the County Clerk's office so that she can include it with the Inspectors training.

Marsha Abell: We can do that. That's not a problem. Just tell them to post it on the door.

Commissioner Mourdock: Okay, so, Phil, if you could give the proper wording to that for Tammy, and Tammy can produce them here.

Marsha Abell: Mr. Hayes, does, I plead ignorance here, I didn't read the changes this year, but, you know, normally, they have to have some particular reason that they vote before Election Day, like they expect to be out of town. I presume that if they come here because—

Philip Hayes: Oh, the absentee rules?

Marsha Abell: Yeah. I presume if they come here because they are handicapped and they want to go ahead and vote, then that's unacceptable. It's not on the outside of the envelope.

Philip Hayes: As long as there's a compliance with the absentee voting laws as they are currently constituted. The amendments, I understand, don't take effect, the earliest one's take effect in 2003. Beginning January of 2003.

Commissioner Mourdock: So, the provisional voting and all that doesn't kick in until 2003?

Philip Hayes: The new provisions right. Under Bill 1101.

Marsha Abell: I guess, new is that anyone can vote absentee for any reason. You don't have to give a reason anymore, but that's not effective yet.

Philip Hayes: That's my understanding.

Marsha Abell: Okay.

Philip Hayes: I talked to Representative Weinzapfel this afternoon, just to double check my reading of it, and see whether any effective dates were creeping up on us, and he said, no. Also, I read through the text of the enrolled act, and it indicated that nothing was going to be effective until, the earliest provisions are January 2003.

Marsha Abell: Okay.

Philip Hayes: They didn't want to crowd election officials, give them one month—

Marsha Abell: Well, they have before.

Philip Hayes: —to try to prepare. Right. That's a pretty good size piece of legislation.

Marsha Abell: Okay. That's fine. We'll make provisions. We'll be fine.

Philip Hayes: I think that this is an old provision in the law as to the designated disability accessible polling place or places. The law requires at least one. So, if we officially designate at least one, then you are still able to accommodate that need and will have covered the issue of providing someplace for everybody, in case one of the polling places is just simply inadequate for the degree of disability—

Marsha Abell: Okay.

Philip Hayes: —for example. It may be that some person's degree of disability is too large for the accommodation at a particular polling place.

Marsha Abell: We won't have a problem with it. We'll take care of it. We just don't normally have a voting booth set up Election Day, because nobody votes down here, but we'll take care of that—

Philip Hayes: Right.

Marsha Abell: — and have that done.

Philip Hayes: You're already, because the absentee polling place will already be closed. The reason for the Civic Center would be that we know that it's a known central location—

Marsha Abell: We would be the only place with the other copy of the Voter Registration rolls.

Philip Hayes: Right.

Marsha Abell: If they went to another place, they wouldn't have their name on the rolls. It would have to either be here or their designated place.

Philip Hayes: Okay.

Marsha Abell: So, here is perfect. That will work fine.

President Fanello: Thank you, Marsha.

Philip Hayes: Great.

Commissioner Mourdock: Tammy, with this note that Connie Carrier sent over with the three, well, with the roughly ten of them that she has listed, that she is calling to our attention. Can you give us a quick summary as to what those issues are? I mean, are those major violations of ADA?

Tammy McKinney: They're not. That's something I was going to ask. A lot of them just don't have like a sign that says handicapped parking here. I don't know if there is some way we can get a sign, a couple of signs. That's one issue that is on a lot of them, that there is, that handicapped parking is not designated. Then, another one is, I think, it's supposed to be, handicapped parking is supposed to be 13' wide, the parking spot. A lot of them were like 8' to 10'. Then, I don't know if we can just get like fluorescent tape to make it 13'. Then that would make that polling place accessible.

Commissioner Mourdock: Uh-huh.

Tammy McKinney: So, I mean, because, I think, that's the majority of a lot of them.

Commissioner Mourdock: So, the majority are parking issues?

Tammy McKinney: Uh-huh.

Commissioner Mourdock: Okay.

President Fanello: Okay, do we need any further motion for advertising? Is there anything we need to do about advertising actual polling places, or anything like that tonight? I can't remember from our discussion last week.

Philip Hayes: Just the, there is nothing that needs to be done tonight--

President Fanello: Okay.

Philip Hayes: --on advertising the polling places. First you have to, you are going to set those, and then you can probably wait a week. Just talking to the Clerk in regard to this custom, they like to advertise within the 30 day period, so that is where the, apparently, the 17 days, and then 10 days before, so--

President Fanello: Okay.

Commissioner Mourdock: We made the motion last week with the last couple changes, so we should be all set.

President Fanello: Okay, alright.

Philip Hayes: If you're all, once you're all set, maybe at the end of the meeting, and you know you have set your list of polling places, once that list is set and frozen in then we can go ahead and get permission to advertise twice.

Commissioner Mourdock: I presume Voters Registration is continuing to work through the remaining precincts?

Tammy McKinney: Yes.

Commissioner Mourdock: Since they've got 58 of them done at this point.

Marsha Abell: Do you have the list of the polling places tonight with you?

President Fanello: I don't with me.

Marsha Abell: I was just advised that Oakhill, is it Oakhill Library?

Unidentified: (Inaudible. Not at mike.)

Marsha Abell: Which is at, just around North High School, is it that old library—

Unidentified: The old Lynch School.

Marsha Abell: Oh, okay. It is not accessible. So if we haven't changed it, if we've got some time, maybe we need to look at it.

President Fanello: Okay.

Marsha Abell: I don't know if they've looked at it or not. Do you? Has anybody seen the list?

Tammy McKinney: Well, I mean, I have the list, but when changes started being questioned and all that, that's when I stopped, because I have to send the form up to State for it to get approved. I can check tomorrow.

Marsha Abell: You might want to just look at that one since we've been put on notice.

Tammy McKinney: Okay.

President Fanello: Tammy, can you make note of that, and maybe ask the people down in Voters Registration if they've checked on that one.

Tammy McKinney: Yeah. I'm going to have a meeting tomorrow with Connie.

President Fanello: Okay.

Tammy McKinney: Then on Wednesday, hopefully, Tony will be back—

President Fanello: Okay.

Tammy McKinney: —and then I can meet with both of them and kind of get everything ironed out and see where we are.

President Fanello: Okay. Alright.

Commissioner Mourdock: Let's make sure they do continue and finish inspecting the remaining one's too.

President Fanello: The next item is the second reading of the Vanderburgh County code, which has to deal with the composition of the Area Plan Board. Is there anyone here to speak to that reading?

Commissioner Mourdock: In the back of the room.

President Fanello: Come forward please.

Susan Harp: Good evening. My name is Susan Harp. I'm President of Oakhill Neighborhood Association. Half of my association is in the county and we're where the Oaklyn Branch is in dire need of having it where we can vote. Having taught kindergarten for the last 24 years has been a big part in my being a concerned citizen. I'm concerned about what the future will look like in Vanderburgh County for these children. I am the zoning committee chairperson for the United Neighborhoods of Evansville. I attend every Area Plan meeting, and it is through my attendance at these meetings, that I feel compelled to speak regarding Mr. Caplan's removal from the APC Commission. I have always been impressed with Mr. Caplan's genuine concern for proper land use. Mr. Caplan is a non-political person. He has training on land use issues, in addition to expertise in environmental, horticultural, and agricultural areas. Mr. Caplan will be the first one to tell neighbors, don't buy for a view you don't own. He asks the developers pertinent questions. He is usually the first person to ask if the developer has met with the neighbors. Basically, he is one of the main people if not, in some cases, the only person who asks any questions at the APC meetings. He doesn't always vote for the neighbors or for the developer. His vote reflects his honest, unbiased opinion about if the land use is appropriate. With this being said, I have no problem understanding that Mr. Jeffers, the County Surveyor, also could bring expertise to the APC. In fact, maybe both Mr. Caplan and Mr. Jeffers could be on the Commission, and some others removed. I know as County Commissioners you appreciate that recommendations sent to you by Area Plan are of high standard. I also have a concern about ending anyone's term in April when the rest of the commissioners terms expire in December. As I just completed a certification course for community planning through Purdue, it became apparent to me that decisions such as this one that you are going to have to make are vital for our county. Please remember that your decisions do send signals to the public regarding your true concerns for Vanderburgh County.

President Fanello: Thank you. Does anyone have any comments?

Joe Coleman: My name is Joe Coleman. I'm the President of the Iroquois Garden Neighborhood Association, and on Susan's zoning committee also. She stated it pretty well. Only thing I would like to add is I think we need to keep the Area Plan as non-political as possible. There is times when if the Surveyor was appointed to the office and he was asked to give opinions on proper land use as a Surveyor, and then turn around and vote, whether they were properly used, it might be a conflict of interest, or he might have to abstain from voting.

President Fanello: Thank you. Do either one of the Commissioners have any comments?

Commissioner Mourdock: I'll just make a comment that the, at least as I look at this, the decision isn't about Larry Caplan, it isn't about Bill Jeffers, it's about the statute. Comments about whether or not it's, quote, political, to use your term, I understand why people think that everything that happens in this building is political, and I

suppose, ultimately, in some ways, it is, but with the new statute that the State has put before us, the way I look at it, they've also given us the opportunity to make the board more accountable to the people that elect everyone. Because having another elected official on there makes that person that much more accountable. Also, the fact that at the Drainage Board, even though the Drainage Board in this county is made up of the three Commissioners, the technical representative to the Drainage Board, regardless of it's make up, is the County Surveyor. So, I see getting that much expertise, or that additional expertise into the process earlier, rather than later as a good thing.

Commissioner Mosby: I'll agree with Commissioner Mourdock. I think at some point in time we might find that with the appointment of the Surveyor that it could save this Commission a whole lot of time, and it could save the developer and the neighbors a whole lot of time with the expertise that he'll bring as far as the drainage is concerned. There could be a lot of things that will be headed off at Area Plan before we run some developers around and around before they ever get here, and then we send them back again. I agree that, you know, Mr. Jeffers will be held accountable as any other elected official up here, and with his appointment, I think that you'll see that he'll give his honesty and his best to that board, as he does with us in Drainage Board. I have to compliment Mr. Jeffers on what I've seen in the first year on this Drainage Board, because you'll find out that he's very fair. He shoots very straight, and he comes direct forward, whether it's for or against the developer. I just think that he will add a lot to Area Plan, and it will be a big benefit to both the neighbors and the developer, as far as having his expertise and him sitting there.

President Fanello: I guess I need to say something, since you both...I do think that Mr. Jeffers will bring some very valuable expertise to the board. The thing I always remember is that Area Plan is a recommending body, and there has been several times over the past year where I've voted against Area Plan's recommendations. So, I think that if he can help take care of problems before they get to this Commission, it can make our job a lot easier also, and help us get some of the problems out of the way, and that really makes it more efficient for the neighbors and the developers. So, I think it will be a very valuable board appointment, and I think you'll see that Mr. Jeffers is very, very concerned about the residents, and he will do everything in his power to make sure the residents are represented the way they should be.

Commissioner Mourdock: On second and final reading, and, of course, this has to be a roll call vote because it is an ordinance, I'll move approval of the change of APC to coincide with the state.

Commissioner Mosby: Second.

President Fanello: A motion and a second. So ordered. Roll call vote.  
Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. So, amendment to the Area Plan membership passes to coincide with the State statute.

Commissioner Mourdock: And, I guess, formally then, since the APC's next meeting is this Wednesday night, I'll go ahead and move, formally, that we do appoint Bill Jeffers, County Surveyor, to that board.

Commissioner Mosby: Second.

President Fanello: So ordered. That's take care of the next item.

Commissioner Mosby: You can skip F.

President Fanello: Yes.

Commissioner Mourdock: Oh, that's what F was?

President Fanello: Yes.

Commissioner Mosby: That's okay.

President Fanello: Thank you.

Commissioner Mosby: I told you we were going to hurry this meeting along.

President Fanello: We're trying to move this meeting along very speedily. Tonight's an important night.

**Phil Hayes: Proposed Amendment to Brink's Contract**

President Fanello: Let's see, Phil Hayes proposed amendment to Brink's contract.

Philip Hayes: In your packets the Brink's company has forwarded a proposed rider which is described as removing Brink's, Inc. liability for any shortages or discrepancies incurred with the use of zipper lock bags. In the contract that is originally entered into by this Commission on behalf of the Treasurer and the Clerk of Courts, an appropriate bag was a standard zipper lock bag. January 29<sup>th</sup> of this year, Brink's has unilaterally sent a letter addressed to the Commission stating that they would no longer transport zipper lock deposit bags, and notified that beginning March the 1<sup>st</sup> they would not pick up deposits in this kind of container. I have had a talk with them in regard to this. I've also spoken to the County Treasurer who was the lead on this matter. In the same notice letter of January 29, the charge of \$23.50 per hundred was proposed and actually imposed unilaterally. In addition to that, the follow up February 21, 2002, stated that effective March 1, Brink's price would reflect an increase of 4% for increased risk management costs. They recite, and in the letter that is in your packet, they recite various efforts at minimizing increase in costs. I have talked to the Treasurer, I think the Clerk's also appeared here on the open record, and it's my opinion that the contract would be harmed irreparably if liability of the transporter for shortages or discrepancies incurred with the continued use of zipper lock bags would be very detrimental to the county. One of the problems that the Treasurer has recited is that there are confidentiality matters to be considered, and I would like to recommend that you not move to amend and accept the rider that is proposed by Brink's.

President Fanello: When is our contract up with Brink's? What is the expiration date?

Philip Hayes: October of 2002.

President Fanello: Okay. So, if we don't accept the rider what is the implication?

Philip Hayes: My recommendation, Commissioner, is that the Commission review, there is an agenda item, and I think that is why the Treasurer is here tonight with Markham Security Specialists, and there has been a proposed contract, which is also in your packet. It has costs for each deposit five days a week. It appears to be comparable to the contract that we currently are serving, being served by Brink's. What I would, on your consideration of that, I know of no other course but to recommend to you that you instruct that the Brink's contract be terminated—

President Fanello: Uh-huh.

Philip Hayes: —and notice them of that termination. Last week I made a record that these matters, the correspondence were filed on that meeting, and I can't see anything other than a price increase, which all told it looks between at least 4%, and maybe 5% or 6%, depending on the costs of these new bags. In addition, they wish to contract to take away their liability. If we continue to use the kind of bag transport that we originally contracted to use.

President Fanello: Uh-huh.

Philip Hayes: The office holders are uncomfortable, and justifiable so, I think, on the record with disclosing the contents and the names and amounts where Brink's personnel who are transporting can view those—

Commissioner Mourdock: Do we have the right to terminate the contract?

Philip Hayes: Well, I'm afraid that it's, we don't have a right built in. We have a right to terminate before renewal, if we do not wish to continue. The reason for simply, since we are turning down the rider, what's gone on is, in negotiating with them about the use of these transparent bags, they've been inflexible, and so I've presented their proposal here. They wrote to me on March 22<sup>nd</sup>, and I, quite frankly, didn't know they were going to submit a rider. I had asked for a letter from their officials and tried to negotiate further, and this was the response, which was—

Commissioner Mourdock: So, effectively, our argument is that by submitting this request for the rider, which essentially changes the terms of the contract, we're almost calling breach on the contract.

Philip Hayes: Well, it simply says that if we're going to, if we're not going to do it their way, accept the 4% increase, accept the cost of these new bags, then what they wish for us to do is to relieve them of any liability for transporting of funds, which is—

Commissioner Mourdock: A fundamental change of the contract.

President Fanello: Uh-huh.

Philip Hayes: Yeah, it's a fundamental change, and not only that it's unacceptable. I don't think legally we could let our money not be protected—

Commissioner Mourdock: Okay. Go ahead.

President Fanello: I'm sorry.

Philip Hayes: –from loss.

President Fanello: Before we pursue to terminate the contract with Brink's, I noticed we have a draft of one from Markham, but I don't think it has enough language in it, and I would like to see some more language in the contract.

Commissioner Mourdock: Let's see if your list compares to mine. Because I–

President Fanello: I mean, this is kind of a vague agreement.

Commissioner Mourdock: The thing that I would like to see, just by way of example, and not being an attorney, I'm sure someone could come up with many more things. First thing, as far as the term, this draft simply says it goes until 30 days of notice. I think we need a definite end date. It's always our option to renew after that end date. Secondly, there is no provisions here for insurance or bonding of this company on behalf of the county. I think that is absolutely essential. I think it's also essential that the individuals who will be handling the bags, and handling the money, handling the data, need to be bonded as well. Not just the company, but the individuals. Certainly we need confirmation from them that they are in compliance with all the necessary EEOC type language, and those types of things. So, that's just a very brief starting point, but I agree.

President Fanello: And possibly I would like to see a list of references that they currently, businesses, or whoever they currently work for.

Z. Tuley: I'm Z. Tuley, the Vanderburgh County Treasurer. I have that list.

President Fanello: Okay.

Z. Tuley: I have contacted everyone on that list.

President Fanello: Okay.

Z. Tuley: If you would like to have that provided, I would be happy to do that.

President Fanello: Okay.

Z. Tuley: Anything that you want, language wise, in the contract I will be happy to ask for, or I can have him deal directly with one of your staff members. If you would prefer to handle it that way, that's fine with me too.

President Fanello: Do I have a motion to defer this until we–

Commissioner Mourdock: Let me break it down into the proper parts here. As far as the Markham Security, I would move that we direct the County Attorney to work with the County Treasurer to come up with the issues that we just spoke of, in contract language, along with others that he may feel are pertinent.

Philip Hayes: Sure.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Then as far as the Brink's contract, again, I think, and, Phil, tell me if I'm wrong here, but we need to formally serve them a letter of notice of what our intention is, with a date.

Philip Hayes: Yes, and after you take official action on that. So, if you're deferring action, we have no deadline for doing anything at this point. You'll note the letter of March 22 said, upon approval, please sign and return one copy. So, there's no deadline there. They have told the Treasurer verbally, but, apparently some drivers told you that this was going to go for about 30 days. So, I think that we are within a framework of time that will accommodate your considerations.

President Fanello: Okay. Thank you, Z.

Z. Tuley: Thank you.

**Permission to Advertise the Joint City/County  
MBE/WBE Utilization Board Ordinance**

President Fanello: Next item, permission to advertise the joint City/County MBE/WBE Utilization Board Ordinance.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**First Reading/Public Hearing of Amendment to Ch. 2.96 of the  
Vanderburgh County Code: Reimbursement of Travel Expenses**

President Fanello: Next item, first reading/public hearing of, well, I'll get it out in a minute. First reading/public hearing of amendment to chapter 2.96 of the Vanderburgh County Code, Reimbursement of Travel Expenses.

Commissioner Mourdock: I'll move approval for first reading.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Is there anyone here to talk to that issue? For the record, there is none.

**Commissioner Mourdock: Recommendation to Appoint  
Betty Lou Jerrel to Jail Authority Board**

President Fanello: Next item, Richard, did you have your Jail Authority?

Commissioner Mourdock: Yes, I did. I appreciate the extra week here. In going forward with the Jail Authority Board member appointment, as I'm sure each of you did, I thought about what background is necessary for the person that is to serve on this board. With all of the requirements of good knowledge, working knowledge of county finance, and also just of general bonding and such, I would move that we appoint Bettye Lou Jerrel.

President Fanello: I don't think we have a second on that.

Commissioner Mourdock: Well--

President Fanello: I would ask that, it was really my hope that as we do this that we bring kind of a unified front, and I personally can't--

Commissioner Mourdock: Well, let me just make a couple of points here. I think we need the most qualified people on this board. When last week Mr. Owens was put on the board, I thought he was very sound appointment, because he has County Council experience, he's been a County Commissioner, and, okay, if you want to argue it, he's also been a local party chairman, which is identical to the experience of Mrs. Jerrel. I don't think there are many people, I know there are no, there is no one in this county with a better working knowledge of county finance than Bettye Lou, and there are very few in the state who can match it in that regard. I don't see this as being a political appointment, which, obviously, the two of you by not seconding it do. I think by not seconding it, you are making it a political appointment, and I think that's a mistake. I mean, tell me what there is about her background that is otherwise out of sync with what we are trying to do here. Now, let's not forget as well, that it's still a three member board. So, the other two appointments that you've made can still out vote her if, in fact, she were to propose something that were so terribly onerous.

Commissioner Mosby: I would rather not put the other two members in that type of position. I think what you did was just make the biggest political appointment I've ever seen in my life. You know that Bettye Lou Jerrel was defeated by one member of this Commission. I will say it publicly, because I have said it to the Courier and Press, I think she has been one of the biggest hindrances to this project that I've seen. I call her an obstructionist, is what I call it.

Commissioner Mourdock: Well, I don't agree with that at all.

Commissioner Mosby: Richard, you asked for my opinion. I'm just going to give you my opinion. I think she's been an obstructionist through this whole process. I believe she has had very much dialogue with the County Council. I think a lot of the questions that we've seen coming from the County Council came directly from her. I know that's why the meetings took place at Republican Headquarters every week. I know when she was there. I know when Susan Taylor was there visiting her. You know, I have definite, I have a lot of dialogue on this.

Commissioner Mourdock: Okay. I started to--

Commissioner Mosby: I just--

Commissioner Mourdock: --(Inaudible) the asking of questions as being an obstructionist.

Commissioner Mosby: Mark Owen was not defeated, or did not defeat anybody on this Commission today. Mark Owen probably doesn't have a bone to pick with anybody on this Commission. I'm sure the appointment (Inaudible) make, if you were sitting in the same position, or if I had been defeated and somebody wanted to appoint me to that authority, yes, I know what kind of hindrance I could be to this project. This is a project that has to move forward. I mean, we are being detrimental to this community every day that we waste time.

Commissioner Mourdock: Well, we're wasting time now, because a logical appointment of somebody with the necessary background is obviously being told no. I mean, again, I didn't make this political, you two did.

Commissioner Mosby: I will just say my appointment has nothing to do with politics. So, I mean, I will say that for the record.

Commissioner Mourdock: That's the way I feel about mine, David.

Commissioner Mosby: That's one of the reasons I put that man on there, is because he is outside the political arena. He doesn't have a bone to pick with anybody on this Commission. Your appointment, yes, directly does.

President Fanello: I mean, honestly, do you think Ms. Jerrel can call me on a daily basis, and speak to me on a daily basis about this project?

Commissioner Mourdock: Absolutely I do.

President Fanello: I don't agree with you. I don't think she is going to feel comfortable tackling the issues that we need to tackle. I don't think she is going to be, feel comfortable dealing with me on a daily basis. I mean, I know that if I was in her position, I probably wouldn't feel comfortable.

Commissioner Mourdock: Well, elections come, and elections go, and I think the fact that some take elections more personally than others may be what's at issue here. I don't think that the fact that she was defeated in an election makes her any more or any less capable of doing it than Mark Owen, who was also defeated in an election for this same position that each of us hold. Granted it wasn't, what two years ago, but are you going to tell me that 20 years from now that this appointment wouldn't be appropriate? Or five years from now? I mean, you're just looking at a span of time, I think.

President Fanello: I'm looking at cooperation and moving this project forward in the most positive manner. We have a lot of people to deal with. We have engineers and architects to deal with. We have the Sheriff to deal with. We have his Chief Deputy. I'm looking at all factors involved, and I don't think it's a very comfortable situation.

Commissioner Mourdock: Alright, well, I won't prolong the discussion any longer other than to say, that, again, David, you made the point about she's had people ask questions, which I think is somewhat of an over statement, but even if it's literally correct, I look for people that I put on boards who can ask tough questions. Maybe it means that when they ask a question they have to build a consensus at times, but I think that's a good thing, not a bad thing. I want somebody looking over my shoulder who will disagree with me, because I think it forces me to look at issues

differently, and I would hope that the two people that you've appointed to this board would have that same sense of maturity.

Commissioner Mosby: I intend to let the person I appointed to this board do his job.

President Fanello: And so do I.

Commissioner Mosby: I don't have, I don't have conversation with this guy probably once every two or three weeks now, and intend to fully let him do his job. Yes, I mean, I did make the statement that I think Bettye Lou's been an obstructionist on this whole project, and, you know, I'll continue to make that statement. As I, as the days and weeks go on, you know, I hear about how bad she's got this vendetta to take out after me, and that's okay. I hear that weekly, and I can produce them names.

Commissioner Mourdock: So, do you want me to bring another name back next week?

Commissioner Mosby: Please.

President Fanello: I'd really appreciate it.

Commissioner Mourdock: If I nominate someone who does have a Republican voting record, is that going to be in the way?

President Fanello: No.

Commissioner Mosby: That's not going to be a problem.

Commissioner Mourdock: Okay.

Commissioner Mosby: The only thing I said, Richard, is you know and I know, and I should say Commissioner, I'm sorry. That person was defeated by a member sitting here, and I think that causes a problem.

Commissioner Mourdock: David, every other week you and I or Catherine get defeated by the other two people sitting here. I mean, issues come and go, and I think you've got to let it go. Because I think she has, I know she has. I think the idea that somehow this long simmering vendetta would keep her from doing what's in the best interest on this, on the Jail Authority Board, I think is just pure sophistry.

President Fanello: Well, I'm thinking about, you know, moving forward and all the attitudes and the positive front that we need to give to this city and county as we move forward with this. This is a very, very important project, and we definitely don't need anyone to feel uncomfortable. I would appreciate it if you would bring another name back.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board?

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: You may proceed.

Jim Bittner: I'm Jim Bittner from out on Browning Road. I've talked to Richard about this, and I was wanting to put a drainage pipe in out along the road in front of my place. This is where I was supposed to show up at. So, I don't know where we go from here.

Commissioner Mourdock: I know Ralph came out your way, and—

Jim Bittner: Right.

Commissioner Mourdock: —I think took some pictures and had some comments.

Ralph Kissinger: (Inaudible. Away from mike.) Rick Dickinson took these pictures, and then I went out this afternoon and checked out the situation. Part of his property—

Madelyn Grayson: Ralph, can you please come to the mike.

Ralph Kissinger: I'm sorry. Part of his property has been piped already. There is a culvert that has been installed, and there is some pictures there, they are kind of vague, but there are no inlets on that part of the property. The drive culvert needs to be flushed out, definitely needs to be flushed out, because there is water standing, there is sediment in the bottom there. As far as the rest of the property being piped, the need, I don't know what the need would be, but I know one thing, as soon as Rick got out of the truck the other day, there were three other neighbors who came over wanting to have their ditches piped also. I'm afraid that unless there is really a problem there, that it's going to cause more problem than it's going to cure. That's my opinion. I'm not an engineer, but that's my opinion.

Commissioner Mourdock: Okay.

President Fanello: John, did you have an opinion on the situation? I know you were gone last week, so I didn't.

John Stoll: I just took a look at those pictures that Ralph had, and just looking at it, it looks to be a pretty shallow ditch. I guess, from the stand point of trying to have enough cover over the top of the pipe, and have that kind of inlets, it didn't look to be a real practical location to put a pipe in. I guess, my biggest concern would be the problem that we've seen elsewhere, where ditches have been piped, and no swail can be provided across the top of the pipe. Then the road ends up being a big paved ditch for all practical purposes, because all the water runs out to the road, as opposed to going from the road into the ditch. So, from that perspective, I didn't think it looked to be a real good location to pipe. I haven't been out to the site though.

President Fanello: Thank you, John.

Jim Bittner: On the other side of my drive, where the pipe is in the ground 12", it's 200'. This here is going to be a better problem to solve than what that is, because

that's flatter than what this here, than what I'm trying to put in, because it's got a bank. The only reason I want to do this is because we moved there about six months ago, and had kind of tree line through there, grew up under the power lines, which should have been cut down years ago, and I cut down them, and then I wanted to level the bank off, and it had 6" or 7" or 8" of dirt on top without messing with the road. It's going to have enough dip in it for the water to get away. I mean, I can't see, I can't see where it would cause any problem. I mean, well, the neighbors want to put it in. I'm going to pay for mine. I mean, I don't know if they are going to pay for theirs or not, but I'm going to pay for mine. I don't know what the, why it couldn't be done. It's going to improve my property quite a bit.

Commissioner Mourdock: Everything that we are looking at, there is no question that it is on county right-of-way?

Ralph Kissinger: Well, (Inaudible. Not at mike.) deed research. As far as what I have in my book of right-of-ways.

Suzanne Crouch: He needs to come to the mike.

Commissioner Mourdock: Yeah.

Ralph Kissinger: I'll come to the microphone, I'm sorry. As far as what, I haven't done any deed research, but as far as I can tell it is on county right-of-way.

John Stoll: To verify 100%, we would have to get some deeds and check back to see if there really was right-of-way there, because the list that Ralph is talking about is just a generalized list, and it probably has about as good a chance of being wrong as it does of being right.

Ralph Kissinger: (Inaudible. Away from mike.)

John Stoll: Right.

Ralph Kissinger: (Inaudible. Away from mike.) usually check with his office, and get the deeds researched before we (Inaudible).

John Stoll: It's accurate for anything within a platted subdivision, but on through roads throughout the county, like I said, it's got as much chance of being right as it is wrong.

Commissioner Mourdock: Okay, well, it seems to me like our argument is rather academic then until we have that issue resolved.

Ralph Kissinger: For certain.

Commissioner Mourdock: Okay.

Ralph Kissinger: Mr. Bittner, I didn't bring you here to humiliate you, but this is the process that we have to take. I just wanted to explain that to you.

Jim Bittner: Another thing, a neighbor that lives south of me, I guess, back year's ago when they built their place, the banks all leveled down, and here I've got a bank between my driveway and his property, and mine needs leveled down. His is leveled down, and, I mean, if it's going to cause a problem, why wouldn't his be causing a

problem now? You know, his is leveled off with the, I mean, I've got a bank there. I mean, it just never was leveled down on account of the trees that were there, I guess, and they just didn't want to mess with them or whatever, but I don't know, to me water runs down hill. I couldn't see why they couldn't, why you couldn't put one in there. It's just 75'.

Commissioner Mosby: I mean, I'm looking at the pictures, I'm looking at this driveway pipe, I think, before we spend a lot of time looking at deeds and abstracts, can we go out and shoot a grade on this? I mean, because I'm going to have to admit, I'm looking at what the County Garage Superintendent said, and if we put a 12" pipe in there, which is regulation or standard, by county standard, and once you cover that 12" pipe, you are going to be higher than the road. Then the road is going to have nowhere to drain to. I mean, I'm just looking at your picture here, and I'm picturing a 12" pipe, and, I mean, I've seen 12" concrete pipe, and it's not small. I just don't see that much room there coming off the road. I'm just saying, before we spend a lot of time searching deeds and abstracts, if we shoot a grade it might tell us whether we are even going to be—

Ralph Kissinger: I'll shoot a grade, and then I'll give you (Inaudible. Away from mike.)

Commissioner Mosby: I mean if there's enough grade there, I'm not saying I have a problem with it, outside of the fact that I think you'll be responsible for buying the drains that go on top of this pipe to drain the road, whether it's bee hives, flat grades, or whatever. That would be—

Jim Bittner: I don't have a drain box or whatever to service—

Commissioner Mosby: Right, that's what I'm referring to when I say a bee hive or a flat grade.

Jim Bittner: As far as the 75', it's got a 6" drop, because I've had it checked already. You want to talk about having enough drop to it, the other 200' on the other side, I never had it checked, but I bet out of the 200' on the other side, I bet it don't drop 6".

Commissioner Mosby: I'm just talking about coming off the road. I want to make sure that the pipes not—

Jim Bittner: I know what you're talking about.

Commissioner Mosby: —bumped up to, you know, bumped up to where we can't drain the road anymore, and all of a sudden the road becomes a drainage basin. I would ask that—

Commissioner Mourdock: Or if not a basin even, just a ditch, having water run across it.

Commissioner Mosby: I would just ask before we do that, that we have these guys shoot a grade.

Commissioner Mourdock: Yeah, and I think it's possible to do both. I mean, doing the title search isn't that big a deal on that one property. So, I would suggest we direct the County Highway Superintendent to shoot the grade, and also John Stoll,

the County Engineer, to do a quick review of the title there. Then we will have a better feel for where we are.

Jim Bittner: Okay.

President Fanello: We'll let you...do we want to give him a call, or report back to us next week?

Ralph Kissinger: I can report back next week.

Commissioner Mourdock: Okay. Thank you.

Commissioner Mosby: Have dialogue with Mr. Bittner at the same time.

Ralph Kissinger: Certainly. I'll have him there when I do the research.

Commissioner Mosby: Okay.

Jim Bittner: Okay. Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you, Mr. Bittner.

President Fanello: Is there any other group or individual wishing to address the board? Seeing none, we'll move on to department head reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First item I've got is a change order on the Lynch Road/ I-164 Interchange Project. This is for an increase of \$8,555. Since it's a Federal Aid project, 20% of that cost would be Vanderburgh County's cost. The reason for the change order is, there are two reasons, actually. One, there were some pipes that were omitted from the original contract that should have been included as far as draining away from the ends of the bridge. That added about \$4,500 to the cost of the project. Then also the contract called for preformed plastic striping, which has a tendency not to stick to concrete pavement very well. They are proposing that we switch from the preformed plastic, which is more of a tape than it is a paint, to the epoxy paint, which is performing better on concrete pavements. Like I said, the grand total of those changes are \$8,555, and it's requested that this be approved.

Commissioner Mosby: I make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The next item I've got is in regard to Williams Road. Williams Road runs south off of Hogue Road, and this road has had an on-going drainage problem located in the vicinity of the Perry Township Fire station. Ralph and I have been out there, as well as Tom Goodman and other people from Ralph's office, and what was

proposed was to put a pipe in, put an inlet in on the west side of Williams Road, put a new pipe in under Williams Road, to the east side of Williams, pipe it south, and then drain the area where the water ponds. So, in trying to determine whether or not that would work, we were doing some deed research, and we have since found that there is a 25' gap out there where no ownership is shown through the deeds in the Recorder's office. What it comes down to is, the 25' gap runs along the east side of Williams Road, between Williams Road and Mr. Kevin Wiles property. Ralph and I have met with Kevin Wile, and he has no problem with this project. However, the ownership of the property was in question, so I consulted with the County Attorney as far as where we go from here. Basically, what happened was the, it appears that in 1979 the tax code for this property was erased from the records, and since then it's been considered as Williams Road right-of-way, even though no deed exists as far as the Williams Road right-of-way. It appears that that's just an off shoot of the fact that the original developer sold off parcels as time went on, and this is the remaining gap that was out there, that was never officially deeded to the county, nor does any deed exist for this parcel. So, after I consulted with the County Attorney and explained the situation, Phil thought we could proceed with this, but thought it would be best to bring it to the Commissioner's to see about, to see what your thoughts are as far as proceeding with the project. Like I said, we've talked to the adjacent property owner to the east, he has no problem with the fact that the pipe would be there, even though it's not his property either. He thinks it sounds like a reasonable idea, because it drains the area where the water ponds, and that water, of course, freezes in the Winter, which creates a hazard for everyone.

Commissioner Mourdock: Can we get a quit claim deed from them to square this away?

Philip Hayes: There's nobody to be found. It's our understanding, John, that there is no owner of record to be found, except for the fact that we go back to the original developer, and that's where the trail stops. There's probate and heirs and, possibly, and so forth, but when John and I spoke of this it appeared to dead end quite a long time ago. What our discussion was that we're not, if this was a surface item, such as a structure of some kind above the surface, I think it would be problematical. Since we are going to be below the surface, and the county's exposure is minimal, as far as any kind of chance of having to remove it or relocate it, my recommendation was that we have you consider it, and that we proceed to bury this item of pipe. How much is the improvement going to cost? The pipe improvement. Roughly.

John Stoll: I've got an approximate cost. It was only about what 150' of pipe.

Ralph Kissinger: It was, I think, our total cost was less than \$4,000.

Philip Hayes: Okay.

Ralph Kissinger: That's not including any labor or any equipment, but that's—

Philip Hayes: So, it was my recommendation that in the event that it came to our attention, or to the public records attention that there was an owner who's rights to convey the easement existed, and presently existed then, I think it's appropriate for the, for the county, at that point, to recognize that claim and determine it at that time.

Commissioner Mourdock: So, the motion needs to be just to direct you towards performing the work on this—

Philip Hayes: I'm not even, yeah, I'm not sure that we need anything very formal. I think maybe a notation in the record that this set of facts has been disclosed by the County Engineer, and that there is no objection. There is no objection heard, basically, by the presiding officer to moving ahead. I wanted to embed in the record that if there is a claimant who would come forward, it would, obviously, be someone in that chain of title as of this date. By placing that in the record, we could determine the nature of any kind of a claim to be made. Our exposure is absolutely minimal. It would be the evaluation of the sub surface easement rights to get to this drainage pipe. It's not even sanitary, it's just simply drainage. Sanitary would be more serious, but I think that this usage is permissible under the circumstances.

John Stoll: One thing too, the Water Department Authority assumed that there's a right-of-way there, because there's a water line sitting out on this property already.

Commissioner Mourdock: I'll move we direct the County Engineer forward with the project, and note the title situation in the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

Philip Hayes: Satisfactory.

John Stoll: Next, I would like to request that the Commissioners reject a counter offer from Ms. Barbara Fendrich on the University Parkway Project. She is the owner of parcel #35. She was originally offered \$8,475, and she has come up with a counter offer of \$25,000. We request it be rejected so that we can proceed with condemnation.

Commissioner Mosby: Motion to reject offer.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Philip Hayes: We're still going to try to (Inaudible). We're still going to try.

John Stoll: It would be nice if we could get it settled.

Philip Hayes: Right.

John Stoll: The last thing that I've got is in regard to that draft of the ditch piping ordinance that I sent out to you last Fall. I will get with the County Attorney and try and come up with a final draft in more of an ordinance format, so that we can present it to you. Maybe come up with something that would help address the situation that we were talking about here, because one thing that is in that ordinance is that anybody who would want to do the ditch piping would, basically, the burden would fall on them. They would have to come up with a plan through their consultant, kind of like what we do with, through the Drainage Ordinance for easements in backyards and things like that. So, rather than Ralph shooting grades and us doing deed research, it puts the burden on them. They would have to hire a consultant to do that work, because as, you know, we don't have enough manpower to do that for every property in the county.

Commissioner Mourdock: It seems to me we need a list in that ordinance, thou shalt not, you know, do anything that causes drainage to otherwise run across the highway. Thou shalt not, have that real clear.

John Stoll: Okay. I'll look at it again and see if we can get something real specific to make sure those problems don't come about.

President Fanello: Thank you, John.

John Stoll: Thanks.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: I've got some maps here that are quite a bit larger than last year's. Mr. Jeffers did some new maps, but I do have a copy for each Commissioner. If you would like to look it over, it's kind of large, but I did detail with highlighting. The roads highlighted in blue are the roads that are in absolute most need of repair. Yellow are the ones that need repair, and the green roads are the roads that we are going to try to do at the very end if we have enough money left. Sorry about the large maps, I didn't have a machine that would reduce them. Before next year I'll get them reduced, and maybe I can do in on smaller paper.

Commissioner Mourdock: You say there are three colors? I only see blue and yellow.

Ralph Kissinger: Yes, there's just a very small area of green. Over there just above Highway 66 on Mesker Park Drive. Over this way, Richard. There, and there's another small section of (Inaudible. Away from mike.) right there in that little subdivision. Basically, the yellow are roads that are in need, but the blue roads are the worst. They are in need of repair. The blue roads, as I say, they are pretty well equally distributed throughout the county. Once again, I apologize for the large maps, but I will tell you the roads that I've highlighted in blue are; Wallenmeyer Road, Allens Lane, Red Bank Road, Upper Mount Vernon Road, Old State Road, Old Henderson Road, the County Line west project, which we have talked about in the meeting. Old Boonville Highway, and Boyle Lane. Boyle Lane is really deteriorated. It's going to take some serious work to get that straightened out, but I think we can do it. The rest of the roads need paving this year, but if worse comes to worse we could, possibly, wait on them.

President Fanello: Okay. Thank you, Ralph.

Ralph Kissinger: That's all I have other than my report.

President Fanello: Are there any other questions? Seeing none. Thanks, Ralph.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: For the record, Mr. Ken Grimes had appeared before this body concerning right-of-way along Nurrenbern Road. Since the time of this appearance,

we have reviewed previous documentation, including history of litigation that was presented by Mr. Grimes. He called me this weekend, and we spoke concerning it, and what I have determined is that the County Highway Superintendent, along with the County Engineer and myself need to address this physically. Mr. Grimes apparently couches these claims on behalf of other owners who are not identified, and that they are persons, so Mr. Grimes claims, who are in a chain of title concerning right-of-way that they do not live here. This is necessarily difficult to deal with, because it appears to have been disposed of by the courts previously, in a motion for summary judgement, and dismissed summarily several years ago. In order to make a record that we are attempting to discern what his claim actually is, and then I will get with the Engineer and with the Highway Superintendent, and we will physically visit this as soon as possible, and try to see if we can make another report back. Thank you.

President Fanello: Thank you, Phil.

Commissioner Mourdock: I have a question, Phil. I've gotten several calls from Fred Bumb, who came in the door here just a moment ago. I know there is a law suit pending, and without talking about the things that would be litigation strategy, which would, obviously, be Executive Session, could you give us an update as to what's happening with that? I understand there's been a change of venue, of course, because it's got to go outside of Vanderburgh County.

Philip Hayes: Yeah.

Commissioner Mourdock: Can you bring us up to date?

Philip Hayes: All of the parties to that litigation; the county, the party plaintiff is Mr. Reimann, or rather the owner, Reimann, I'll refer to him in that fashion. There are several other defendants, plaintiffs and defendants that are involved. The change of venue was a matter of right. What we attempted to do was simplify the litigation by having the county removed as a party, and trying to stipulate that we would simply go ahead and maintain that portion of the roadway which we had previously, historically maintained, and do so in the least obtrusive way, stipulating that we weren't trying to get additional right-of-way to accommodate the claims of Reimann. Basically, to leave the matter between these two private parties over what historically, apparently has been a private road, which going back into the late 19<sup>th</sup> century was maintained by the county.

Commissioner Mourdock: And Reimann rejected that I take it?

Philip Hayes: That matter was apparently rejected, yes. So, I've been informed that we are simply going to have to proceed with the normal course of litigation. There are other families that are served by the roadway, and as you go on past Little Schmuck it turns into another piece of maintained right-of way. We have an anomaly in that if we didn't maintain the portion that Reimann is talking about, we would still have to somehow get to the other portion and maintain what we do have a right to maintain. Or rather where we're not alleged to be infringing on anyone's rights. So, it's become a difficult matter, but right now, procedurally, there just simply isn't any movement on it, because a new judge has to accept responsibility. The first judge chosen rejected it. That was Judge Aylsworth, and I believe that we then stipulated to Judge Meier in Warrick Superior Court.

Commissioner Mourdock: Okay.

Philip Hayes: I don't have word whether he's accepted that stipulation or not. These matters are not often desired matters. These changes of venue.

Commissioner Mourdock: Given the nature of the law suit, and I don't know if this is appropriate or not, Fred, I don't know if you have any questions? Or if it would be appropriate if you have questions for the County Attorney to address them in this forum. Phil, is there a—

Philip Hayes: He can, I can, I can tell you generally that the complaint that's existing and the answer that's been filed, Mr. Bumb has represented, and those parties are represented by the Johnson, Carroll, Griffith Law Firm, and they are doing a good job. They are doing a great job for you. Right now the issues haven't ripened. What the county has researched and what the engineer who's been in on the meetings has pointed out from the maps that these apparent maintenance tasks have been undertaken since, I think I'm right, the late 1880's? Isn't that correct? So, this has come as somewhat of a technical surprise that there be an assertion of ownership like this. Apparently, the maintenance had been restricted to a very narrow roadway. Although, there had been materials that have seemingly widened that road, it's not really part of the roadway, it's where gravel maybe has splashed over on the side, and we, in fact, I'm pretty sure the automobile wasn't invented when we started maintaining this. When this county did, but there are notations on the old map. So, I think it would be appropriate simply to tell you that I see no, there is no delay that I can see that is created by any of the parties to the law suit. I think everybody wants to move it along as rapidly and efficiently as possible.

Unidentified: (Inaudible. Not at mike.)

Philip Hayes: Oh, absolutely. You know, the one thing about the government and law suits is that it doesn't supercede the right to petition your government. So, you certainly may speak.

Frederick Bumb: Well, I'm Frederick Bumb, and I don't live on Little Schmuck Road, but I have purchased the ground some years ago, with the intention, I farm, I farm this property that is adjacent to it, the Little Schmuck. I definitely feel like that I want to protect my investment. Since I have brought this property why I paid much more than just agricultural for it. Then it just seemed like all of a sudden why we got a sign put up and it said private road, and that's what got me concerned, folks. It should be, I guess, due to the fact that I have my investment on 50 acres, and maybe someday this might develop. I need a private road like it's been in the past. So, I don't know, I guess, Mr. Reimann maybe has something in for me or something, but this has been going on for almost two years. I asked my attorney to work with it, and (Inaudible) been delayed so much and everything, and I would like to get things in order. That's why I'm making the move like I am. If you have any questions, why feel free to ask me, but I just feel like something ought to be... I thought that, you know, the Commissioners could just act on it, because it's been in the past a road, and I, the way I understand, though, there must be other roads similar to this that, I guess, no one has pursued to challenge it, I guess, or something. I'm ready to give more of the footage, no problem at all. In fact, that would be in order for me. I just would. I'm just in favor of something, and all the ground around me here is being developed and everything, so why not? Why not we get it in order? That's my thought. If there's any questions, but, like I said, I'm Frederick Bumb, I live on Cynthiana Road, but—

Commissioner Mourdock: I can probably wrap up the conversation, Fred, in that we understand that you want to get it put together and all this come to some logical conclusion. All I can say is county government, like any other property owner, has certain prerogatives, and has certain rights, like any other property owner. It really is a question of Mr. Reimann's rights, I guess, and historical use of the county versus what the county's true rights of ownership or easement are. The court is going to have to decide that. I guess we're all waiting together.

Frederick Bumb: I see. Okay. Well--

Commissioner Mourdock: I'm sorry we don't have a quick and easy answer.

Frederick Bumb: Okay, well, thank you.

President Fanello: Okay, let's see--

**Tammy McKinney: Superintendent of Buildings**

President Fanello: --Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report, but I was sitting here and I noticed that I forgot to put the Drug Court Xerox contract on the agenda, but it's in your packets.

President Fanello: I just noticed that letter there, and thought maybe I was missing something. Do I have a motion to add that to the Consent Items.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Does Madelyn have the original in the signature file? Okay.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: All I have is my work report.

President Fanello: Are there any questions?

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move we include the Soil and Water and the Ozone Officer's Report to the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

Commissioner Mourdock: And, I guess, to be technically correct, we had that Markham Security Specialists listed as a Consent Item, and we actually need to move that, or remove that from the Consent File, so I would so move.

Commissioner Mosby: I seen that. I'll second that.

President Fanello: So ordered.

Philip Hayes: You need to add that. This is the—

President Fanello: We just did.

Philip Hayes: You did get that added?

President Fanello: Yeah, we just did.

Philip Hayes: Okay, good.

President Fanello: We just did. Okay. Yeah, I had a copy of that.

Philip Hayes: Okay.

President Fanello: I spoke with Cheryl Musgrave today, and she did remove item F. I believe she met with Phil Hayes this morning and they got their contract issues straightened out.

Commissioner Mourdock: So, I'll move we remove Item F from Consent.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Any other changes to the Consent File?

President Fanello: I don't think so.

Commissioner Mourdock: I'll move approval of the Consent Items then.

Commissioner Mosby: With the prior amendments, I'll second that.

President Fanello: So ordered.<sup>1</sup>

**Scheduled Meetings**

President Fanello: Scheduled meetings.

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<sup>1</sup>Consent Items Listed on Page 33.

Commissioner Mourdock: Just for the record, I know there is a jail meeting tomorrow morning at 9:00, and I will be in town, and I hope to sit in on that meeting. It is a public meeting, and I don't think we have any—

President Fanello: So, do we have any problem with more than one Commissioner being there then?

Commissioner Mourdock: I don't have a problem with it. It's a public meeting, and it's not where a decision is going to be made. So, Phil, you give us direction if it's appropriate. Seems to me—

Philip Hayes: For all of you to be there? Or more than, for a majority?

President Fanello: More than one.

Commissioner Mourdock: More than one.

Philip Hayes: Well, my position has been that the law is pretty clear not. I know that that's not generally complied with, but, if it's a government meeting, it's being done with regard to our jail as part of our public notice meeting for—

President Fanello: We didn't really advertise them as public meetings though.

Philip Hayes: Well, I think we're back to you're showing up at the same place—

President Fanello: Uh-huh.

Philip Hayes: —and I like to be consistent with the—

Commissioner Mourdock: But we do handle the report that scheduled the meeting as part of this event.

President Fanello: But I don't know that we didn't, if we were going to consider it a public type meeting. There would be advertisement, advertising required.

Philip Hayes: Well, strictly, you need a yes or no answer, and the answer is yes, it is the kind of meeting and the variety of meeting that would require public notice of a majority of this body attending. So—

Commissioner Mosby: I'll be honest with you, I was going to go to the meeting, but go ahead and go. I was going to—

President Fanello: I'll be doing taxes tomorrow, so I'm not going to be there.

Commissioner Mourdock: Okay.

Commissioner Mosby: Go ahead and attend the meeting.

Commissioner Mourdock: Okay.

Commissioner Mosby: That's perfectly fine and I can always catch up.

Commissioner Mourdock: Okay, I appreciate it.

President Fanello: Okay, so Richard—

Commissioner Mourdock: Crisis averted.

Philip Hayes: Now if it was converted into a meeting about jails in general, sort of like the road school, only jail school, then you could go do it. But it's specifically part of this project, and attendant to your duties, so that would be the distinction—

President Fanello: Okay.

Philip Hayes:-- I would make.

President Fanello: You'll report back to us all your knowledge. Okay, any other scheduled meetings? None.

<b>Old Business</b>
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President Fanello: Old Business. I just have one very, very small item. Did everyone receive a copy of a letter written by Lt. Strange from the Sheriff's Department about a Deputy Sheriff, Ray Reason, that's been called to active duty?

Commissioner Mourdock: What is the date of that letter?

President Fanello: March 7<sup>th</sup>. Basically, the three questions asked were; does such an employee accrue benefits such as vacation, personal days while on active duty? Is longevity accrued for purposes of the pension and county benefits? And final question, does the employee need to contribute to the pension fund while on active duty? I spoke with Deputy Williams today, and really they are looking for some kind of clarification in writing from this board as to how to proceed.

Commissioner Mourdock: I think all those are Federally defined. Are they not?

President Fanello: I think you're—

Philip Hayes: Soldiers and Sailors Relief Act is applicable in those, and there is definite precedent on each one. I think it would be appropriate for us to confer with the common program through City Personnel, for example.

President Fanello: Well, and after I spoke with Deputy Williams, one of the Lieutenants in the Police Department brought me what they are going by. So, I'll make a copy for everybody, and we can get together—

Philip Hayes: Formal policy.

President Fanello: —a formal response for the Sheriff's Department.

Commissioner Mourdock: We really ought to add that to the handbook next time we update that.

President Fanello: Exactly. So, that is all I had for Old Business.

Commissioner Mosby: Motion to adjourn. IU is getting ready to start in an hour.

Commissioner Mourdock: We skipped New Business, but, I guess, IU is New Business.

**New Business**

President Fanello: Any New Business?

Commissioner Mosby: That's New Business. IU is playing in the final game. I was just, no New Business.

Commissioner Mourdock: No New Business, I'll second the motion to adjourn.

President Fanello: So ordered.

The meeting was adjourned at 6:55 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Health Department	Election Office
Prosecutor	County Council	Sheriff Department
Burdette Park		

**Travel Requests:**

Health Department	County Highway	SWCD
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**Commissioners:** United Consultants Jail Project Progress Update.

**Community Corrections:** Division of Disability Aging and Rehabilitative Services: Permit to Operate Concession Business

**Drug Court/ Day Reporting:** Xerox Contract.

**Sheriff:** Weekly Jail and Community Corrections Info. and Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Susan Hart
Joe Coleman	Jim Bittner	Ralph Kissinger
John Stoll	Steve Craig	Frederick Bumb
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and Transcribed by Madelyn Grayson.**

**Vanderburgh County  
Board of Commissioners  
April 8, 2002**

The Vanderburgh County Commissioners met in session this 8<sup>th</sup> day of April 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting. Hello. The microphone works.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; sitting in tonight for County Attorney is Jay Ziemer. Phil Hayes is out of town for a couple of days. To my right, Commissioner Mosby, myself, Commissioner Fanello. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of minutes from April 1<sup>st</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Open Title Search Bids for 2002 Expedited Tax Sale**

President Fanello: Auditor, permission to open title search bids.

Commissioner Mourdock: I'll move that Mr. Ziemer be directed to open the bids for title searches. Just for the record, Jay, how many do you have?

Jay Ziemer: Two.

Commissioner Mourdock: Two. Okay.

Commissioner Mosby: I'll second that.

President Fanello: Okay. Jay will open those.

**Voters Registration: Voting Places**

President Fanello: Voters Registration. I don't know if we, do we have any new information on polling places?

Tammy McKinney: I don't know if it's new information. Is that working? Okay. I have a copy of where they went and looked at each polling place and listed what is wrong with them, so I brought this for you to kind of look at.

President Fanello: Okay, so everyone can look at that at their leisure. Does anyone have any questions?

Commissioner Mourdock: Well, I haven't seen the list-

President Fanello: I haven't looked at it either.

Commissioner Mourdock: -were there any glaring things that we needed to change? Or can we go ahead and act with the leader agenda item, which is the, I think, final approval of polling places.

Tammy McKinney: Just the, the main thing is just the signage for the handicap, and the dimensions of the handicap space. Then we've also gotten a form that we just fill out and send to the state saying that this polling place does not meet all the handicapped accessibility, so it is noted.

Commissioner Mourdock: Okay. So, does that mean though we are ready to advertise as in the next agenda item for all those places for the Primary?

Tammy McKinney: I would think so, yes.

<p style="text-align: center;"><b>Permission to Advertise Polling Places for the May 2002 Primary Election</b></p>
--

Commissioner Mourdock: Okay. Can we go ahead to that item?

President Fanello: Yes, I was going to say someone make the motion.

Commissioner Mourdock: Okay. With the, we had the brief discussion last time about making sure we get signs up, as far as making it available for handicapped parking, or whatever, at the polling places. We're still heading that direction I presume?

Tammy McKinney: Right.

Commissioner Mourdock: Okay. So, I would move, then, the advertisement for the Primary Day for the voting, for the polling places.

Commissioner Mosby: Second.

President Fanello: A motion and a second. So ordered. Next item, is the first reading for the public hearing of amendment-

Madelyn Grayson: I just needed to make sure that we get a disk of the polling places, and Phil is supposed to provide us with the wording also for using the Civic Center as the handicapped accessible.

President Fanello: Okay. He will be out of town until Wednesday. What does that do to you as far as?

Madelyn Grayson: Well, the latest we can advertise is on 4/19 and 4/26.

President Fanello: Okay.

President Fanello: So that still gives us, if I could have it by even next Monday.

President Fanello: Okay. Well, let's say it needs to be in by the end of the week. Just to be sure.

Madelyn Grayson: Okay.

Commissioner Mosby: Could we not, if we had to, get the information out of the minutes of last week and have Counselor Ziemer look at it.

President Fanello: We could, I guess.

Commissioner Mosby: I mean, if we feel like we want to get it in the paper quicker than—

President Fanello: Uh-huh.

Commissioner Mosby: All the information would be in the minutes of last week's meeting. He could look at that and just draft some quick language that states this is the handicapped accessible. That's what the discussion was about—

Jay Ziemer: I can do that.

Commissioner Mosby: —designating one area, and we designated the Civic Center as being a handicapped accessible spot, if one of the polling places was not handicapped accessible.

Jay Ziemer: No, I can do that.

President Fanello: Okay, thank you.

Madelyn Grayson: Thank you.

**Second (Final) Reading of Amendment to Ch. 2.96  
of the Vanderburgh County Code:  
Reimbursement of Travel Expense**

President Fanello: I'll continue on, first reading, public hearing of amendment to chapter 2.96 of the Vanderburgh County Code, Reimbursement of Travel Expense. Is anyone here to speak to that ordinance?

Commissioner Mourdock: Seeing none, I'll move approval on first reading for the amendment to the ordinance.

Commissioner Mosby: Second.

Madelyn Grayson: Actually, first reading was last week. That was supposed to be second reading.

President Fanello: I thought–

Commissioner Mourdock: That's right.

President Fanello: –it was. I just thought I was brain dead there for a minute, but I'll say second reading. This should be second and final reading.

Commissioner Mourdock: Still seeing no one–

Unidentified: In that case–

Commissioner Mourdock: I'll move approval on second and final reading the amendment to the ordinance regarding travel expenses.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And because it's an ordinance we need a roll call.

President Fanello: Okay. Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. Ordinance passes.

<b>Appointment of Rebecca Kasha to Jail Authority Board</b>
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President Fanello: Richard, appointment of Jail Authority member.

Commissioner Mourdock: We'll try again. I would like to nominate to the Jail Authority Miss Becky Kasha. Beck is an attorney here in town, address 3105 East Blackford Street.

President Fanello: Excellent recommendation.

Commissioner Mosby: I will second that.

President Fanello: And I will say so ordered. I will forward that up to our bond counsel attorney who will take care of drawing up the articles of incorporation for the Jail Authority.

Commissioner Mourdock: Okay.

President Fanello: Excellent choice.

Commissioner Mourdock: We do need to send her a letter of notification. I presume that we did that with the others too.

President Fanello: Yes.

Commissioner Mourdock: So, if you've got the address, Tammy, 3105 East Blackford.

**Any Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board? Go ahead.

Mark Miller: Yes, I'm Mark Miller. I'm an attorney here in town. I represent Ed Curtis, of Curtis Investments, who owns several buildings, again, in the city, including the Curtis Building, which you can see out the window here. We would like to weigh in, ever so slightly, on the jail selection issue, and express two concerns on behalf of Mr. Curtis and Curtis Investments. The traffic pattern, as I'm sure any of you who've driven down Main Street to try to get to the Curtis Building is a little odd, at the present time, in that North Main Street is not, you can't come from North Main Street, you have to come this direction as you're coming on Main Street, to get to the Curtis Building. In some of the newspaper reports it was suggested, perhaps, that Ninth Street, and, perhaps, even a portion of Main Street here might be closed, if the jail is built in this area behind us here, as I understand it. That was a question, which when I'm finished, you can answer that, if that's, in fact, true. Assuming that that's true, we would note our objection to that. At the present time that would severely impact the access to the building. It would leave us with nothing but access off Pasco Street, basically. That would affect the value of the building, the value of the investment, including current tenants and the buildings access to their property. That's the main concern. I could not tell from reviewing the minutes, choosing not to rely upon the newspaper reports, I did review the minutes, I could not tell which site, where the site in the parking area might be, if that is, in fact, still in the mix of things. But assuming that it is, there was a second concern, which would be the, I suppose in fairness, the NIMBY problem of the jail being, literally, in our backyard over at the Curtis Building. We are concerned about that possibility, if we understand where that location might be. So, we are just here to express those concerns, and hope that the Commissioners take that into consideration as they make their jail selection, go through this process and make a selection. If someone could give me just a very brief summary of where things are, that would be very helpful.

President Fanello: Thank you, Mr. Miller. Do either one of you have any comments you would like to make?

Commissioner Mourdock: Well, having sat in on one of the meetings with the architects last week, I'll just say at the outset that there is nothing really finalized on a footprint for the building at this point. How it would fit on the back 13, or what did we call it, the back-

Commissioner Mosby: 13.7.

Commissioner Mourdock: -13.8, I think. Yeah, the back 13.8 parking lot is still under discussion. I know the Mayor had expressed to me, and I don't know if others on this Commission have heard or not, that he has some serious reservations about closing Ninth Street. Have you heard anything new?

Commissioner Mosby: I've met with him. I met with him last week.

Commissioner Mourdock: Was that your impression?

Commissioner Mosby: He has reservations. He's still got an open mind according to my conversation with him.

Commissioner Mourdock: Okay.

Commissioner Mosby: I met with him and Michael Osborne both at the same meeting. It was over the Main Street, Ninth Street deal. You sat in on the meeting last week, I had conversation with the consultants and engineers from United, and I have told them that we would be against anything that would block Main at Ninth. So, I mean, we have asked them in any of their drawings and designs, and there was a drawing that had Main blocked. We told them that we could not block Main Street, that that would have to be left open from Ninth up to Sycamore and around.

Mark Miller: So, may I ask, Commissioner Mourdock, I didn't mean to interrupt?

Commissioner Mourdock: Sure.

Mark Miller: Would that mean that coming down Sycamore, you could still make the turn at Ninth and go up Main Street?

Commissioner Mosby: Uh-huh.

Mark Miller: And also coming from Walnut or Locust, the same thing? Is that your understanding, Commissioner?

Commissioner Mosby: Yes. The entrance to the Judge's parking lot would be left open. Yeah, you could make the turn off of Sycamore on to Ninth and go up Main.

Mark Miller: Okay. Great.

Commissioner Mourdock: I would word that as that's the intent right now.

Commissioner Mosby: Right.

Commissioner Mourdock: Again, there is nothing finalized.

Mark Miller: I'm sorry. I've written that down. I mean—

Commissioner Mosby: We are looking at different options. There is different options being considered, I mean, a cross over, the possibility of tunneling under. These are all just options.

Commissioner Mourdock: For what it's worth, Mark, the NIMBY issue came up from my point of view as well at that meeting, because we just put \$45 million into a wonderful convention center, and I really don't like the idea of the convention center looking out on concertina wire. So, I mean—

Mark Miller: Right.

Commissioner Mourdock: –that’s something we are trying to work through from the whole point of view of everybody affected.

Mark Miller: At the risk of appearing to delve into the process, which I really do not want to do, and Mr. Curtis does not wish to do either, but do you have a sense of time frame on the selection process?

President Fanello: That was going to be my next question. I think this board, we need to come to some kind of resolution with the Mayor and the City Council and some kind of final decision here over the next couple of weeks, because United has also expressed that in their notes that they sent down to us. They would like to have their schematic design phase done, I can’t remember the exact date, sometime in May, and that really hinges on us making a final decision on a site. So, do either one of you have–

Commissioner Mourdock: I think they were looking at 20% of the schematic–

President Fanello: Yeah, 25%, yeah.

Commissioner Mourdock: –by June 5<sup>th</sup> or something like that. Early June.

President Fanello: But, I mean, these things really hinge on us securing our site, and I don’t, obviously, this is our first choice, but I don’t think everything is in place to make that our final choice. So–

Mark Miller: Commissioner Fanello, may I ask for clarification? I’m sorry. When you say the first choice, are you speaking of the site, is there a name for the site that’s sort of over here next to the court building?

President Fanello: I don’t know if there’s a name for it.

Commissioner Mosby: The Judge’s parking lot. The back 13.7.

Mark Miller: Okay.

President Fanello: Well, I mean, I say first choice, it being in connection with the courts building, or the Civic Center in some manner.

Mark Miller: I see. Another clarification, if I may, are we talking two sites when we talk about the area in the Civic Center versus the area next to the court house here? Are they two different sites or just one?

Commissioner Mosby: I consider them two different sites.

Mark Miller: Okay, thank you.

Commissioner Mourdock: Honestly, the drawings they’ve put together, it depends on some of the drawings. Because some of the drawings actually almost include the two together. So that’s still up in the air.

Mark Miller: Is it appropriate to contact the consultants directly? Or is it better to come through the Commissioners? I don’t want to undertake to do that. I got their phone numbers and information on them, but I didn’t want to speak to them about the site selection without addressing the Commissioners first.

Commissioner Mourdock: Given that it's our responsibility, my personal preference would be that you stay in contact with us.

President Fanello: Uh-huh. I think that's—

Mark Miller: We would be happy to do that.

Commissioner Mosby: I think they are, basically, looking for direction yet from us. So, they would probably have a hard time giving you any type of an answer.

Mark Miller: Plus people don't usually talk to lawyers when they call them about anything.

Commissioner Mosby: Scares 'em.

Commissioner Mourdock: They probably give you the name of their attorney.

Mark Miller: There you go. I want to thank all of you for listening to us, and I appreciate that you've given us some time here tonight.

Commissioner Mosby: Thank you.

Mark Miller: Thank you.

President Fanello: So, I guess, getting back to my original question, does this board have a feel for when we would like to kind of get a final answer from the Mayor, City Council, or how we want to proceed? Goal or time frame that we would like to work within?

Commissioner Mourdock: I think the time schedule that United was talking about the other day at that meeting is an appropriate one. I think, I don't know that we need to create other schedules within that schedule.

President Fanello: Well, maybe not a schedule, but I think we do need to be cognizant of the fact that we don't have—

Commissioner Mourdock: Sure.

Commissioner Mosby: I can try to contact the Mayor again tomorrow. The conversation I had with him, approximately a week ago, was when one of the five site designs came in, and it had Main Street blocked, and I know that was not very favorable at all, and it really wasn't the favorable solution I was looking for. Since then United has reconfigured that area leaving Main open. So I would be more than glad to talk with the Mayor the next day or two.

President Fanello: Okay.

Commissioner Mourdock: It remains my preference to try to keep Ninth open as well. I'm not, and this was part of our discussion the other day, I know some of the folks, and, certainly, I understand the threat of terrorism being what it is, there is a concern that if you drive underneath a building that there is greater vulnerability. Even that as an option, to me, if that's what it took to leave Ninth open, I'm not adverse to that.

President Fanello: My personal opinion is I don't know why we wouldn't try to connect it as much as possible, and if that means closing Ninth, that means closing Ninth.

Commissioner Mourdock: It would still be connected—

President Fanello: Yeah.

Commissioner Mourdock: —the question would be over.

President Fanello: Not the optimum connection.

Commissioner Mosby: I guess, what I'm looking at, I'm sorry, Commissioner, if you look at the design they have with Ninth being closed and the jail being attached to the court building, I think under that scenario we lose 202 parking spots, if I'm not mistaken. With the reconfiguration that the County Attorney give me a couple of weeks ago with the way the back parking lot is designed with the 28' aisles and everything—

President Fanello: County Engineer.

Commissioner Mosby: —pardon?

President Fanello: County Engineer.

Commissioner Mosby: Or County Engineer, we can gain back 144 of them spots. So, basically, there is a net loss of maybe 58 parking spots in the whole deal. Which then eliminates having to build this \$11 million parking garage everybody is worried about. So, and I'm not saying yet that we don't need a parking garage, because I'd say we are probably one of the first that would build a \$45 million entertainment center without any parking, but it does eliminate that fact that everybody is worried about having to come up with 400 parking spots. Now, the other scenario with the walk over, we do lose, I want to say 340, I think. Something like that. We lose 340 parking spots in the other scenario by not utilizing all the empty crown that we have with Ninth Street and everything. So, there's a lot of ground to be gained by closing Ninth, and I think this one section of Ninth from the court building down to the intersection really is dead space.

President Fanello: Councilman Hoy.

Phil Hoy: I'm Councilman Phil Hoy. I'm here for two reasons tonight. We're going to give a Soil and Water Conservation District report later. I'm trying to resist the temptation to talk about the convention center and parking, because...I'll just make one remark, and that is every time I've gone to a convention and flown on a plane, I've never used a parking spot. The hotel has 400 and some odd parking spots, and we're doing pretty well over here with the Centre and with the parking, because it's so flexible. As you know, I walked all the parking lots, and everybody thinks I've got too much time on my hands when I do that, but there are a lot of empty spots downtown. So, bear that in mind as you make your plans. I wish you well as you make your plans. The reason I came to the microphone, however, is to go on record as supporting working with the Rescue Mission with a youth detention center. We were told when all the architects lined up, all except one or two said that they could do the jail, and they could do community corrections, and they could do the juvenile facility with \$35 million. They said it was a stretch. I think it's going to be too much

of a stretch as I watch things unfold. I have argued for a juvenile center for, ever since I got out of graduate school in 1962. This county needs one, and what I am here to encourage you to do is to, as soon as possible, at least start conversations with the Mission. See what they have in mind, to see if you can get them to put this together so that it's a workable solution for our young people. This facility is desperately needed. As far as being a NIMBY, that's not far from my house. If I had room around my house, you could put the jail there. I think it's probably the safest place in town.

President Fanello: Thank you, Councilman Hoy. Does anyone have any comments?

Commissioner Mourdock: I was, I still have some comments about the meeting the other night. I don't know if you want to do those now, or do you want to do them all at the—

President Fanello: Well, I was going to wait until we got to Old Business—

Commissioner Mourdock: Okay.

President Fanello: —to bring up some other things, if that's okay with everyone.

Commissioner Mourdock: Yeah, that's fine.

President Fanello: Did you have anything that you wanted to add, Commissioner Mosby?

Commissioner Mosby: No, I was just thinking about what Councilman Hoy said, and, I guess, my question is, you know, to what extent do we talk to the Rescue Mission? And what extent is the County Council willing to fund juvenile detention? You know, I agree with some of the comments, and disagree with some of the comments you said, because I never in the beginning thought that \$35 million was going to get us a jail, juvenile and community corrections. I was one of them that come off saying \$55 million would probably get you what you needed, and 58 was more of the figure. I guess, what raises my curiosity a little bit is a couple of the articles that I've seen in the paper just in the last week or so, and one of them being, you know, an editorial the other day where it says Juvenile Judge, Brett Niemeier, says he has pleaded with the Commissioners. He probably, possibly, has pleaded with the Commissioners, and then there is another one that says, talks about the possibility of looking at the old jail, and that is a possibility. I mean, he said he finds that that's fine in theory, but the Council will not provide the money. I think he's more on target in the second one when he says, you know, the Council will not provide the money. I cannot provide the money to build a juvenile detention center. I advocated that in the beginning, from about March of last year till January of this year. Then, finally, you know, gave in and we accepted the \$35 million. I think Judge Niemeier needs to take it up with the Council and to extend, you all tell us how much money you want to spend and what you want to fund, and we can move forward, but we, basically, if you want to call it, spun our wheels for nine months trying to get an answer on this, and trying to get funding for juveniles, and funding for community corrections and a jail. We were rejected at every crossroad. So, in January we accepted the theory that you were going to spend \$35 million, and instead of building a 650 bed jail, which I think is adequate, and I read these letters in the newspaper everyday from different counties where they say the worst thing they have incurred over the process in the last two and three years of building jails is that everybody builds them too small in the beginning. By the time they get them done, they are overcrowded again.

Well, I totally agree with them, and will not change that stance in any way, shape or form. I think we are building ours too small, but it goes back to we've only got so much money. So to what extent Judge Niemeier says he has pleaded with us, I mean, we can only plead with the Council.

Phil Hoy: Well, let me address, I think your original question. I'll try not to make a speech in response, because I'm tempted to, Commissioner Mosby, you know that. You know, we differ.

Commissioner Mosby: I've been there a few times.

Phil Hoy: Yeah, we've been there a few times. That's right. Here we have an organization, the Rescue Mission, that is willing to build the facility, which means that the funds that we have already allocated for lodging young people in Vincennes and at the current Rescue Mission facility, and other places, those funds are already in place. We are already spending that money. So, if they are willing to build it, then we are going to be spending, roughly, the same amount. It will increase if more young people get into trouble, and they may. We don't know what's going to happen, what kind of societal changes are going to take place. So, I think this is an opportunity for us to stay, you know, within that budget. The plans for building the jail and community corrections are out of my hands as a Councilman. I supported the \$35 million because I believe that it still could be done. It's not going to be done, I don't feel, all three projects. So, I think this is a way to accomplish the juvenile project, and to do it with a group of people that I think will do an excellent job providing the building itself. But the money is already in the budget for the placement of the young people. So, this is an opportunity for us to take advantage, I think, of an offer. As to the size of the jail, I read Sunday's paper, and we have people for whom warrants are out that have seat belt violations. We've had people in our jail who've had seat belt violations. We've had people in our jail, one man was there because he had two Valium capsules in his car. They found out later that he had a prescription. He didn't have his prescription bottle with him. Who carries their prescription bottle with them? I think that we are going to see...some people may. Those of us who are male have problems, you know, if the bottle is big, and we don't carry purses, and things like that. I think we are going to see a turn, ourselves turn a corner as a society. We have locked up, and I made this speech, I don't know how many times, we have more people in prison per capita, per 100,000 people, than any country in the world. Hundreds more. Absolutely hundreds more. Someday, I may be dead and scattered by that time, but someday we will come to our senses and realize that the war on drugs on every level is a miserable failure. We are failing in Columbia. We're just making more enemies by bombing those poor folks. The only place that drugs will ever stop is in the mind and the heart and the spirit and the body of someone who just doesn't need them. Locking addicted folks up is not the answer. I think we are just placing more laws on the books to lock people up instead of treating them. We are to lock people up on a seat belt violation. I support wearing a seat belt. I wear one. I can't see any sense in putting anybody in jail over that. I'm looking at all those warrants, and if anything the Sunday paper pointed out is that of all those almost 10,000 to 11,000 warrants, not very many of those people represent much of a threat to us. That's why I'm not for building a huge jail. I think as communities begin, and states and legislatures come to their senses we will see that we have simply gone jail crazy. We have run political campaigns on being tough on crime, and we have been tough on people who are addicted. We have been tough on people who have minor infractions. It does not make us any safer to lock everybody up in our jails and in our prisons. Just lock up the people that need to be locked up. That do pose a danger to society.

Commissioner Mosby: I want to ask you a question, Councilman, so I can make sure I understand right. You're advocating dealing with the Rescue Mission here. It's my understanding, and I might ask the Sheriff to answer this question, I don't know. When we say we are going to build juvenile detention, I see that as a tool for the Sheriff's Department and the Police Department to detain juveniles who have been picked up through the day or in the evening. Juveniles who they don't have time to babysit and cannot find their parents. Then at the point where these juveniles would go to court and be given a sentencing of some type, whether it's to the Rescue Mission...is the Rescue Mission willing to do this? Are they willing to accept whoever the Sheriff picks up at any given point in time?

Phil Hoy: That's my understanding. That they are willing to change their policy. Under their present policy, no, they will not, but that, and that's why I think we need to begin the conversations with them, because this is the opportunity to find out how far they will go with this, you know, and what kind of traffic they will accommodate.

Commissioner Mosby: Well, and my suggestion is going to be that the Sheriff be involved in these meetings with the Rescue Mission. I mean, so that he can explain the type of individuals that he runs into. Whether it's an individual who is addicted to drugs. Or an individual who has an alcoholism problem, and an individual who is, you know, mean at the time. I want to be sure that if we are going to do something like this that they are going to be willing to accept these individuals.

Phil Hoy: I agree with you. I think not only should the Sheriff be involved in that, I think that's a great idea. I think that Judge Niemeier should be very much involved with this, because he is the Judge. He is sitting down there right now. It's Monday night. He is making those kind of decisions. I'm very favorably impressed with this new juvenile Judge we have. I think we have a Judge on our hands who really wants to dig in and work with young people. I think he would work well with the Sheriff, work well with the Rescue...he, in fact, I had a long meeting with Judge Niemeier, and I usually preface these kind of conversations with saying anything you want, you know, kept confidential from this meeting, I will keep confidential.

Commissioner Mosby: I had a talk with Judge Niemeier--

Phil Hoy: May I finish?

Commissioner Mosby: Sure.

Phil Hoy: He said that he would support using the Rescue Mission. He said, Reverend Hoy, you can say that any place you please. You can say that publicly. I think that that's a workable idea. So, and I agree with you, I think the Sheriff should be in on it. I want to make it clear too, by picking these people up, I'm not accusing the Sheriff or the Deputies. They are following the law. I think some of them could use more discretion, and I know I'll get in trouble for saying that, but I get in trouble all the time for things I say, because I'm an outspoken person, and I'm tired of living in (Inaudible) where people don't speak out, you know, and say their minds. Some of these, you know, that is addressing the jail issue and not so much the juveniles, but I think that now is the time to initiate the conversations. I would be glad to do that, but I'm a Councilman, and I vote on, as you well know, on finances. You all are Commissioners, and you vote on contracts and policy. Those are real clear distinctions. So, that's my encouragement to you. What would it hurt. What would it hurt to sit down with the interested parties? You know, and have the conversation, and see what the Rescue Mission would do. It would take some more time, and all,

every last one of us, you all, those of us on the Council, the Sheriff, everyone, the Judges, we've all taken a lot of time anyway. So, I'm sure that all of us would be willing to dedicate a little more time to see if this is workable. If it proves not to be workable, then we find that out. That's how we find that out.

Commissioner Mosby: I mean, I would just say, and like I was going to say a minute ago. I've had conversation with Judge Niemeier. I've sat down and talked to him on two or three occasions. It was never my understanding that the Rescue Mission was going to get into detainment of the juveniles. I'm looking, you know, more for a resolution and a solution to the Sheriff's problem of not having to deal with the juveniles. If that's the case, I would, and I'm sure either one of these other two Commissioners would be interested in seeing what they have to say. If it means getting Mr. Perry and the Sheriff and one of us, not two, and yourself, I mean, I would be more than glad of that. In favor of it, but—

Phil Hoy: That's basically my request tonight.

Commissioner Mosby: You know, I have to disagree with you on the drugs and the addiction. I mean, I think these are people that need to be locked up. I will always advocate safe streets and safe parks. I mean, I understand your point, but—

Phil Hoy: Well, my point is that all around us here are drug stores, and the only difference is the drug is liquid form, and it kills more people, it does more damage than any other drug we have. We tried prohibition with that, and I'm not saying legalize all drugs, but I'm just saying that it didn't work with booze, I wish it had, but it didn't, and we know that. That's a lesson we learn. So, I'm sitting down, Commissioner Mosby, at the Convention and Visitors Bureau and somebody makes a presentation, they are going to bring a big, 600 gallon aquarium in, ORSANCO is, and the person making this presentation assured us, after being asked the question, would there be a bar, and the answer was yes. To which I responded, what other drugs are you going to make available? Because a drug is a drug is a drug. We have this huge addiction problem with alcohol. I'm not advocating we increase that problem. I'm advocating treatment, and increase of Drug Court and programs like that. I'm tremendously well impressed with what Judge Trockman is doing with how he handles that court. I can't speak for six other Councilman, you all know that. If I were going to put money anyplace, I would sure put it into that kind of program. Thank you.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

Commissioner Mourdock: The only comment I would make, Phil, and it does come back to the Council in this regard. It's been my understanding from the get go that the Youth Resources people were willing to talk about anything. I mean, they care about the kids, as they said, very passionately here. They will look at any part of this program, but whether or not the county would build that facility or they would build it and then we would contract with them on a per bed basis, or something like that, however that is going to be done, it seems to me the question for the Council is, how much is the Council willing to spend for, effectively, the operating costs? As opposed to the capital costs of building it. I think that is something that the Council

needs to be giving some thought to, because we can always fill a facility, but we need to know how many dollars are going to be there for operating costs.

Phil Hoy: Well, the fear I've always had with the juvenile facility, when I was Director of the Youth Bureau, and that was back in 1972, the first director. We tried to get a juvenile facility then, the fear always is, build it and they will fill it, you know. That's not a good idea, to build it too large. That I would not advocate. My point about the financing is, we're already financing it. We're already paying. We're paying them. We're paying Vincennes. We're paying wherever else they're taking these young people already. So, we're paying the per diem.

Commissioner Mourdock: But the difference is we're paying it now on an as used basis. For them to do the project—

Phil Hoy: That's right.

Commissioner Mourdock: —as they came to us before, they wanted us to contract, and I understand what they are doing. I don't have a problem with that. I'm just saying, that's what the Council needs to look at is to that type of long term operating commitment.

Phil Hoy: I would be willing to commit myself to making a commitment to them so that that would run smoothly. It is running smoothly now because Judge Niemeier is using the facility much more than the previous Judge used it.

Commissioner Mourdock: Which was part of the problem before.

Phil Hoy: Which was part of the problem, because it was being used, and then a decision was made not to use it, and they can't operate on that basis.

Commissioner Mourdock: Right.

Phil Hoy: They have to have some sense of the traffic that's coming in and the income. I think we can do that and do that well.

President Fanello: I've got a couple of short comments.

Phil Hoy: Do you have questions? I'll stay here if you want me to.

President Fanello: I don't know that they are really questions. They are just comments, but I'll just say to Judge Niemeier's comments, I also lobbied for a year for this county to build its own juvenile detention facility. I also voted against the Rescue Mission building a detention facility and will still stand steadfast in that decision. I believe this county needs to operate its own detention facility for our size. I don't understand if the Council is willing to fund excess money to the Rescue Mission, why we wouldn't be willing to build our own facility and use space that we have in the old jail, which is going to be vacant, or possibly vacant. I still believe that this county needs to find its own solution, and will stand steadfast in that decision until proved otherwise.

Phil Hoy: I understand. That's where we, you know, you and I have a difference about what the \$35 million would do. I have stood by that figure. I would be willing to go more than the 35, but not much.

President Fanello: Well, I mean, if you look at it—

Phil Hoy: (Inaudible).

President Fanello: —the quote for a juvenile detention facility, and I believe, you can correct me Brad or Eric, was no more than, for construction \$3 million something. Was it around?

Phil Hoy: Three and a half.

Suzanne Crouch: Four to five.

Phil Hoy: About three and a half million.

President Fanello: Three and a half million. I mean, to me that is a small capital investment for taking care of the problem of detaining children until Judge Niemeier can vote, or can decide on the proper treatment, or where they need to go. So, I don't know why we wouldn't want to keep it in our own facilities, and will stay steadfast in that decision. I'm really not—

Phil Hoy: Well, I stay steadfast, as you know, in my decision that \$35 million could do the whole project. I don't think that is going to happen, and since I don't think that is going to happen, I would like to see us...I would love for us to do it too.

President Fanello: Well, just building on what Commissioner Mourdock said, if we are going to pay a certain amount of money to the Rescue Mission, you know, no matter how many beds are filled, or whatever, I still don't know why we are going ahead and funding someone else when we could be funding our own facility.

Commissioner Mourdock: I'll answer that one from my opinion. Okay, it's my opinion. I used the word a moment ago when I spoke of when the folks from the Youth Care Center came here. They presented it with a certain passion. If I had a child who was going to be involved in that facility, I would much rather have him in the care, receiving the benefits and the treatment of the people who are working over there, rather than the people who are otherwise, and this is not a slam against county employees, but people who are employees here, who generally look at the clock more than they necessarily look at the long care, long term treatment of the person.

President Fanello: Are you finished? I agree with that, once the treatment is decided on upon Judge Niemeier, but our facility here would be a holding facility only. I don't think they are held over two, three days, possibly, maximum, maybe. I mean, Judge Niemeier is going to get the juvenile in there as soon as possible and decide on what their course, what his course of action is and what the best treatment is. So, I mean, I don't think in those 24 or 36 hours that a juvenile is detained that you are going to turn their life around, or that they are going to get the treatment that they need. The treatment is going to come at the time that the Judge places them in the facility he thinks will best benefit them and get them help.

Phil Hoy: Well, my answer to that, having worked with troubled youth at the Youth Bureau, and being the original director of that, is that no, you cannot turn every youth around, however, often you can intervene, and you can do a good job. To give you an example, we had no place to put runaways, so we devised our own program with the old YMCA, because they had rooms there, and the YWCA. During my tenure there we dealt with 200 runaways who stayed in those two facilities, not locked in,

we had one run. Just one. The Judge who was our project director gave us permission to work 72 hours with a youth before informing their parents, because many times we got those young people on the weekend, and we needed that span of time, particularly, if there was a holiday coming that Monday. So, he gave us a span of time, and out of 200 plus, we had one that ran on us. I'm not going to stand here and tell you that all young people won't run, but I'm here to say to you that many of those young people who are guilty of status offenses and things like that do need a caring place. They could come into our offices, they knew they had somebody compassionate to speak with them. They knew their meals would be taken care of. They had a safe place to lodge. It worked. We didn't spend millions of dollars on a runaway center like many cities did, because we didn't have millions, but we got very creative. It was based on this kind of compassion of which Mr. Mourdock speaks, and I would hope that that's the kind of compassion of which my career, my life has been involved, in that kind of approach. Yes, the Sheriff needs a place to put them for those brief times, and I think the Mission might arrange that. I think he wants to say something.

Brad Ellsworth: Good evening. My name is Sheriff Brad Ellsworth, and I've got a couple of comments. I would like to respond to the warrant thing and the jail. You know, a seat belt violators, a traffic ticket for a seat belt is a law that was put out by the State Legislature. We only enforce the laws that the State Legislature puts on the books. It's a \$25 fine. In no way are you ever arrested for not wearing a seat belt, unless you fail to appear for the court date on the bottom of the ticket. If you fail to appear, then there is a bench warrant issued by the judiciary, and on that piece of paper it says you are hereby commanded to arrest and take in the body of that person for that. So, nobody ever gets arrested for not wearing a seat belt, unless they did not conform to what society has said you do when you don't show up for court on the appointed date. Side bar, when they did get arrested, they usually came in and the fine was very minimal. So, that's exactly why we are doing this. We don't want to jail these people either, and take the time for it, and that's why we're doing this thing in the paper and sending postcards and that so that they can take care of it. That's the last person I want in jail. My recollection of this juvenile thing, and believe me juveniles, holding them, is a pain in the behind. I worked in a jail where we held juveniles, and they are not the easiest crowd to work with. Today's standards don't let the same employees that jail the juveniles deal with adult offenders. So, the staff has to be different. Now, you can have the same cooks. You can have the same medical, but the actual guards. Now, I'll say my guards are pretty professional. I get very few complaints or law suits, and none successful of abuse by my guards. I've never been successfully sued out of our medical department. I've never been successfully sued from our food service. So, I'm proud of our jail staff. I do realize though that it's not going to be the same guards, if I even have anything to do with the guarding wherever these juveniles go. I'm not against the Youth Care Center having a juvenile detention center. I know that the sub-committees that Reverend Hoy sat on said we need juvenile detention in Vanderburgh County. Friday night, Saturday night we had a situation where we brought in a group of juveniles and adults ranging from age 12 up to age 18 that committed a strong arm robbery. A 12 year old is pretty young to be out running around with 18 year olds, and actually stealing somebody's car by force, but it occurred. We had those people from approximately midnight till 7:00 the next morning. There were no parents to be had. So what essentially it was, were my Deputies sat at our Command Post, and we use the word babysat, but sat with them until about 7:00 when we could find a responsible adult to release them to. The police have been creative, because we've been forced to be creative in what to do with these children for about the last ten years, since they told us we couldn't put

them in jail, we've been very creative in what we do with them. A lot of that is getting them home to their parents and finding responsible adults. There are kids out there that are not 18 that are doing some pretty horrible things, you know, that belong in detention. What we've, the committee came up with, my recollection, is that we need some place, Friday night the Moto Mart gets robbed and the cashier shot, that 16 year old probably needs to be in jail. Now, are we going to be able to save her in three days, you know, because the Youth Care staff counsels to them over a jail guard, probably not. That's, until Judge Niemeier gets them, takes them to a place, or decides what the best treatment is for them, then that's fine. I think in the committee we also said that if the county did this then, certainly, you could open that up to the Youth Care Center people to come in and counsel those people from day one. It's easier to bring those counselors in than it is taking those inmates out. The last thing I would caution you, and you remember a couple of years ago, and Commissioner Mourdock was on there, we got the letter out of the blue that said Youth Care Center was closing down on January 1. Everybody went ballistic because, and when you operate a private company by a board, anything can cause them...now, I know they have a contract, and we'd be in a long term lease, but let's just take, for example, that, you know, one of their counselors decides to sneak into one of the cells in the middle of the night, and the board is horrified by whatever happens in that cell and decides at the next board meeting, we can't take this anymore, we're closing it down. Then the county is hung out to dry again without a place. We could buy their building, or we could lease their building, but that's a very real possibility. The county has that responsibility, or at least, you know, the ability to do that, then we're struggling for a plan B. If we're going to do that, what I would recommend is that we charge the architect with doing the broken line addition, just in preparation, on this drawing that, or like you said, the old jail be ready, because if that board, private board, would decide to close that down, the county would then have to either be responsible or in need to have a place for juveniles. Don't know if it would ever happen, but it certainly could, and just because they are involved with the Youth Care Center doesn't mean you can't hire a wayward employee. Just like the county isn't, but, you know, we have those things happen. So, I would certainly, if they are designing this, and we are going to do that, and I'm not against that plan, put the dotted line juvenile center in there, and make the core facility big enough to expand that if it would become necessary in the future. That would be my take on this thing. If you have any questions of what I've said, feel free.

President Fanello: Well, I think you've said it quite plainly. I mean, there are times when you need a facility to hold a troubled youth that just is not going to cut it over at the Youth Care Center the first 24 or 48 hours. I believe Vanderburgh County needs to build that facility. I've thought they should have built it with the jail. Like I said, I'm going to stand steadfast in my decision at this point. I've already voted against the Youth Care Center once, and until some other revelation comes before me, I'm going to stand steadfast in that decision that we need to build our own juvenile facility.

Brad Ellsworth: I'm not saying, like I said, they could not hold them. I mean, anybody can build a room with a big door and concrete blocks that will hold them. It doesn't-

President Fanello: But, like you said-

Brad Ellsworth: -I mean, I'm protecting us down the road.

President Fanello: Exactly. We would put a lot of investment into something that might, they may decide, like you said, I don't want to take care in the first, you know,

few hours, I don't want to take care of those kinds of teens who went out and shot a cashier at the Moto Mart, or something. I don't think we, I think we would be doing ourselves a great disservice by investing all that money, and then for them to come back and say I can't do it.

Brad Ellsworth: Right, but I do believe their intention is to hold males and females in any condition, from my recollections of the meetings. They would intend to do that, but, you know, like I said, that's the current board.

President Fanello: Exactly.

Brad Ellsworth: That's--

President Fanello: We just don't know if that would be a long term--

Brad Ellsworth: --the county has a responsibility, and they don't.

President Fanello: We just don't know if that would be a long term deal.

Commissioner Mosby: I guess, the only thing I said, according to what the Sheriff said just a second ago, that I didn't interpret it that a way, if that's the way it's interpreted. My only comment was, I'm willing to listen to them, because I want to see what the dollars wash out to be. You know, how much we would pay them on a contract per year, if we have to contract for so many beds. It's like I said a while ago, I'm looking for a solution for the Sheriff, and, I mean, I compliment you and your staff on being very creative on how to deal with these kids in the last ten years, but I don't think it's fair to this community when you have to babysit one person's child while the rest of the community is left unprotected, or whatever, while that Deputy is tied up. So, I think it's a disservice that we have to do something like that to the rest of the community. I would, I'm willing to listen to the Rescue Mission if we can set that meeting up anytime soon, that's fine. As I said, I advocated building the juvenile detention center, and I'm still advocating that.

President Fanello: Thank you, Councilman Hoy, for coming to the board. Is there any other group or individual wishing to address the board at this time? Seeing none--

Commissioner Mosby: I have one thing I want to bring up under--

President Fanello: Okay.

Commissioner Mosby: --this part of the meeting. It goes back to the Jobe's Lane, and I think everybody received in their packet from the Vanderburgh County Health Department, what we had received in the office on Friday, and it came in late Friday afternoon, so, the counselor didn't have a chance to look at it. He looked at it a minute ago. We need to, basically, get some type of a contract with the finance consultants, and the finance consultants sent in his version of a contract, which is not totally agreeable to my version of a contract--

President Fanello: Do you have a copy of that?

Commissioner Mosby: --stating that...you don't have it.

President Fanello: Oh.

Commissioner Mosby: It came in late Friday, and the counselor didn't have a chance to look at it.

President Fanello: Okay.

Commissioner Mosby: But he did a while ago. We discussed it. What it, basically, says in his contract that if they secure funding of any type for the project that they get \$5,000 and it's capped at \$5,000. That is not what I'm interested in. My conversation was, with them, was that they secure a grant that would be granted to this community, this county, and the people on Jobe's Lane. If they did that, then it could be included in the grant, their fee. Basically, the way this reads, if they secure a grant, fine. If they don't secure a grant, and they secure a low interest loan, that is still considered securing some type of financing for this project, and they would still get their \$5,000. If we didn't agree with the low interest loan, and we didn't want to go that avenue, they would still get their \$5,000, because they did secure financing of some type. I have asked the counselor to re-write this and send it back saying if they secure a grant and we can write it into the grant, I will agree to it. If we cannot secure a grant, that he write in there, at that point, we reassess the situation, and we look at any other options, but there would be no contract on any type of money spent at that point in time. So, that's—

Commissioner Mourdock: The document that we have here, which is simply from the Health Department.

Commissioner Mosby: Yes.

Commissioner Mourdock: You're talking about a totally separate document from this that would be involved with the design folks.

Commissioner Mosby: Right.

Commissioner Mourdock: You are going to have that redone and submitted to us next week?

Commissioner Mosby: Yes. This document will be with Therber Brock and Kramer, who are municipal finance consultants that work with IDEM in Indianapolis. Mr. Brock was one of the gentlemen that came down with IDEM. The County Health Department has sent this over because Todd Trinkle had asked us to get this over to us, and we thought we were going to have the contract, and send both pieces back up at the same time, which is the last part of the application that we need. I have asked Counselor Ziemer to re-write this in our version, instead of theirs. So, he's going to work on that tomorrow, and, hopefully, we'll have it back next week.

President Fanello: Is there any other group or individual wishing to address the board? Okay. Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First, I received a request from the Knight Township Volunteer Fire Department for, to investigate the possibility of putting a signal override in at the traffic signal at Old Boonville Highway and Burkhardt Road in conjunction with the

Burkhardt Road project. Basically, they were concerned that the, when the traffic signal goes in, they were concerned that it would affect their getting in and out of their driveway in the event they had to make a run. So, I contacted Dave Savage in regard to this, and he said that the signal override could be done for less than \$1,000, and his design fees would be covered in the existing City/County Traffic Department Agreement. So, I'm requesting approval to proceed with pursuing that traffic signal override on that basis.

Commissioner Mosby: I would make that motion to proceed.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The second item I've got is a request from the YMCA to run a race on October 5<sup>th</sup>. This would be a race, like they run every year, out at, it begins and ends at Burdette Park. They will run on Bayou Creek, Seminary, Duesner, Happe, and Graff Roads. They provided a certificate of insurance. So, it's requested they be granted approval for this race. They said they will secure all traffic control, and they will work with the Sheriff's Department in regard to that.

Commissioner Mourdock: I'll move approval of the request.

Commissioner Mosby: Second.

President Fanello: There's no signature? Okay. Do I just need to give this to Madelyn then?

John Stoll: Yeah, that's fine.

Commissioner Mosby: I seconded it.

President Fanello: So ordered.

John Stoll: I also received a request from the School Corporation. They want to stage a mock accident out on Resurrection Drive for, on April 23<sup>rd</sup> from 9:00 to 1:00. It is to demonstrate to the kids about the dangers of drunk driving. This request was made that the county provide barricades at the north and south ends of Resurrection for this. The media will be covering this event and everything. I don't have a certificate of insurance or anything from the School Corporation, but really that's all the information they got. I talked to Ralph Kissinger, and he said it would be no problem for his crew to provide the traffic control for the barricades. So, it's requested that that be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: Are we going to require them to submit a certificate of insurance?

John Stoll: I talked to Jay just briefly before the meeting, and, I guess, we could get one.

Jay Ziemer: (Inaudible. Mike not on.)

John Stoll: Okay.

Jay Ziemer: We can request one from them.

John Stoll: Okay.

President Fanello: Okay.

Jay Ziemer: I can get that.

President Fanello: Okay. So ordered.

John Stoll: The final item I've got is in regard to University Parkway. On parcel 24, the property owner was originally offered \$180,000. The property owner has since countered with a request for \$275,000. They did provide some documentation on what they felt was comparable properties as justification for their increased offer, I mean, their increased counter offer, but the consultant has reviewed it, and did not think that it was justifiable.

President Fanello: Good.

John Stoll: So, on that basis, it's requested that it be, the counter offer be rejected, and if we continue to hit an impasse, then pursue condemnation.

Commissioner Mourdock: So moved.

Commissioner Mosby: Is this the one we looked at?

Commissioner Mosby: No, this is property owner Brooks.

Commissioner Mosby: Okay. Second.

President Fanello: So ordered.

Commissioner Mosby: Can I ask where that one's at? Or have you heard anything?

John Stoll: The last I heard, Mr. Nurrenbern was going to check with the subdivision developer about access to and from the north side of the tracks. Basically, this new subdivision they are platting out there cuts off his access to the parcel of land that he just purchased. I talked to the consultants about that, and, basically, this subdivision deal cut off that access, not the University Parkway Project. So, they felt it wasn't an issue that necessitated us to giving him a driveway, because through their land dealings, basically, Mr. Nurrenbern and the other property owners cut off the access, not Vanderburgh County. So, Nurrenbern wants to talk to the subdivision developers, and that was the last I heard.

Commissioner Mosby: Is that the access where we drove back through there and across the tracks?

John Stoll: Right. That—

Commissioner Mosby: The subdivision, I guess, is going on the other—

John Stoll: Subdivision on the south side.

Commissioner Mosby: –on the north end.

John Stoll: On the south side of the tracks.

Commissioner Mosby: The south side of the tracks. North end of the present subdivision.

John Stoll: Correct.

Commissioner Mosby: That is going to cut off that access to–

John Stoll: Right.

Commissioner Mosby: –the property?

John Stoll: It looks like that access across the tracks is probably not too far within the boundary of the new subdivision. It's at the northwest corner of the new sub. The last plat I saw did not have an easement to where the farmer, or Nurrenbern could cross through there and use that existing railroad crossing.

Commissioner Mosby: Okay. Thank you.

John Stoll: So, I need to call him and just find out, because if he is going to provide a counter offer, he needs to get that moving ahead, so we can evaluate that. If not, then we would have to pursue condemnation on that one as well.

Commissioner Mosby: Okay.

President Fanello: Anything else?

John Stoll: That's all I have.

President Fanello: Thank you, John.

Commissioner Mourdock: I have one thing for John, and John and I spoke of this outside the meeting, but I just want to run it by the two of you and see if you are in agreement. At the intersection of Mt. Pleasant Road and Old State? Is that right?

John Stoll: Old State, yes.

Commissioner Mourdock: Old State. We're getting ready to do some widening in there, and the current plan, as designed, stakes it out for a three lane, so we have a turn lane out there. We've gotten a number of calls from the neighbors, and I've gone out and looked at it to see where the flags are, now that it's staked. It's raised, I think, some very good questions as to whether or not it's necessarily justified to have a three lane turn out there. John and I were talking about it earlier, and don't let me put words in your mouth, John, but I think you basically said you could argue for it either way given both the nature of the neighborhood and the traffic that's there.

John Stoll: Basically, we were looking to the future to try and anticipate that the traffic would increase. Likewise, on today's numbers, no, the turn lanes probably wouldn't be justified at that intersection.

Commissioner Mourdock: Yeah. So, what I would like to have John do is to get with Morley?

John Stoll: Yes. Lochmueller Designers.

Commissioner Mourdock: Lochmueller designed it, and take a look at it from a normal, modernized two lane and see if, in fact, that might not do as well. There might be some additional engineering costs involved, which is why I would like to have John consult with Morley, come back and let us know what the costs are so we can, again, take a look at that as an option. So, I'll make a motion that we direct him to do that.

Commissioner Mosby: I guess, my question here is was the reason that we did the upgrade to put in the third lane? Or what was, basically, wrong with the intersection the way it was?

John Stoll: The intersection right now is, basically, the same way as the rest of Mt. Pleasant is. The width is inadequate. I can't remember off the top of my head what the width of the road is, but the, it was two things, basically get the lanes widths up to 12'. It was to provide curbs and gutters and storm sewers, as opposed to the open ditches, and it was to anticipate the future volumes and provide the left turn lanes. As far as the numbers, I'm not sure exactly, off the top of my head, what the turning volume forecasts were, that's why I said it probably wouldn't be justified today, but I don't remember what the numbers are, off the top of my head. So, it was a combination of things. Trying to just upgrade it, and since we're out there doing the work, we felt that that was probably the best way to pursue it, was to do it now, instead of do it later.

Commissioner Mourdock: At this point, if we took another look at it, doesn't it show (Inaudible) from the three lane back to the two lane, but at least we could get some idea what the engineering expense would be if we chose to go that route.

Commissioner Mosby: I mean, I guess, what I'm looking at here is if we are going to spend this amount of money, I would hope that we are going to get something that is good for the future. You know, not just today. If we're not going to get anything better than what we got, that we look at scrapping the whole project, and not waste our money.

Commissioner Mourdock: I understand. I want to do it toward the future as well. The question I have is just, you know, in any area, if we were doing this out on the east side, out along Burkhardt where it's brand new from the get go, absolutely, we would be putting this in three lane to plan for the future, because you know there is going to be a lot more development. In this area, it seems to me, the number of cars that we have coming in is largely set. While it may be, certainly, there may be some additional traffic in the future from the new Clear-

John Stoll: Clear Creek.

Commissioner Mourdock: Clear Creek Subdivision. My gut tells me that most of that traffic will not be going out and to the west, but out and to the east towards 41, where we are doing all the modernizing with the wider intersections out there. So, the question is, are we trying to apply a bit of a cure, a little bit too late in the disease, I think.

John Stoll: The way Clear Creek is laid out there are two entrances. I believe the developer of Clear Creek was in favor of the turn lanes. Likewise, some of the neighbors whose properties who would be impacted are against the turn lanes.

Commissioner Mourdock: Right.

John Stoll: So, as usual, it's a trade off.

Commissioner Mourdock: Yeah, I understand.

John Stoll: Like Commissioner Mourdock said, some of the property is fully developed. Like Clear Creek on the south side of Mt. Pleasant, Deerfield is not fully developed, so there is some potential there, it's just a matter of, I guess, what future growth may occur out towards Darmstadt, Mt. Pleasant area where there is some vacant ground. Whether or not that traffic would be routed through that area or not, don't know that answer off the top of my head either.

Commissioner Mourdock: Yeah.

John Stoll: It's, like I said, it's a trade off. Ultimately, if the turn lanes are not provided, I guess, we'd still see some benefits, because there is some sight distance problems out there that would be corrected through the project, regardless of how it's done.

Commissioner Mourdock: Right.

John Stoll: The bridge definitely needs to be replaced. There may be some justification for deleting some of the turn lanes, not all of them. I don't know. I haven't looked at the numbers in a year and half probably.

Commissioner Mosby: I guess, before I vote to have, you know, Bernardin come back and look at this and spend the additional money, I would almost want to go out and familiarize myself in what I'm voting on.

Commissioner Mourdock: We're not voting to authorize the money--

President Fanello: Yeah.

Commissioner Mourdock: --at this point. We're just trying to get an estimate from Morley--

Commissioner Mosby: Or Morley.

Commissioner Mourdock: --to see what it would cost us to do the re-design, and what the benefit would be like, the line of sight, and those kinds of things. I just want us to take a second look at it.

Commissioner Mosby: Okay, so if I understand your motion, then you are just wanting him to contact Morley and get an estimated cost of what it would take if we asked him to re-design?

Commissioner Mourdock: Exactly.

Commissioner Mosby: On that, I'll second that.

President Fanello: So ordered.

John Stoll: Okay. I'll get that, and I'll also get the traffic numbers again for all the different entrances.

President Fanello: Okay. Thank you, John.

Madelyn Grayson: May we make a tape change please?

President Fanello: Uh-huh.

**(Tape Changed)**

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: I've got some, excuse me, Ralph Kissinger, County Highway. I've got some paperwork here that I would like to pass out to the Commissioners. I also have a copy for the Auditor and the County Attorney. Basically, this is just the grades we shot out on Browning Road to verify what Commissioner Mourdock asked us to do last week. John Stoll sent me a letter earlier in the week, last week, that said that there is a 25' deeded right-of-way documented. As you can see, the shots I took at the drive culvert and at the south end of the property, or about where his drive ends. There's not much fall there already. The actual difference between the bottom of the ditch line where his culvert is now, going through his driveway, to the road elevation is only 1.25'. The bell on a concrete pipe is 1.66', or so, around 20". So, therefore, the bell of the pipe would be sticking out of the ground before we got any fill off of it. It would actually be above the road surface before any fill was put on it. Mr. Bittner suggested that he would like to put double walled piling in and put a drop box in. That would be fine, but where his driveway is is toward the northern end, and the water is flowing from the south to the north. So, therefore, if he drops the pipe, how is the water going to get up to get under his drive and get to the other pipe, or the culvert to get out? The only way he can actually do this correctly, would be to remove the existing pipe that has been installed without our knowledge, and the driveway culvert. It would all have to be lowered, and that would stipulate on whether or not the grade of the culvert pipe, further down, toward the middle of the next people's property is actually low enough for him to lower his ditch to get to that. I didn't take shots down there. I didn't know if you wanted me to go that far into detail. There is really, to put piling in there is supposed to be 12" of fill over the top of the pipe.

Commissioner Mourdock: Did you send this to him?

Ralph Kissinger: No, I just got this ready this afternoon, and I was going to take a copy by to him.

Commissioner Mourdock: Okay. I'll move we direct the Highway Superintendent to mail this to Mr. Bittner.

Commissioner Mosby: Second.

President Fanello: So ordered.

Ralph Kissinger: Other than my weekly report, that's all I really have. Except I would like to request that the next Executive Session, that I be on the agenda please.

President Fanello: Okay.

Commissioner Mourdock: Thank you for dealing with that one, Ralph.

Ralph Kissinger: Oh, you're welcome.

Commissioner Mosby: Thank you.

**Scheduling of Executive Session for April 15, 2002 at 4:30 p.m.**

President Fanello: Did we want to go ahead and set the Executive Session?

Commissioner Mosby: I'll be requesting...yeah, okay, because I was going to say I'll be requesting an Executive Session for Monday.

President Fanello: Okay, well, we might as well go ahead and--

Commissioner Mourdock: What is Monday night, the 15<sup>th</sup>?

President Fanello: Uh-huh.

Commissioner Mourdock: Okay.

Commissioner Mosby: So, and we'll contact you.

Ralph Kissinger: Okay, thank you.

President Fanello: Do I need a motion to set the--

Commissioner Mosby: I'll make a motion that we have an Executive Session Monday.

Commissioner Mourdock: At what time?

Commissioner Mosby: Let's go 4:30, because we'll have a couple of things to deal with.

Commissioner Mourdock: Okay, second.

President Fanello: So ordered.

Commissioner Mosby: Personnel issues, that's mine, I don't know.

**County Attorney**

President Fanello: Okay, County Attorney. Jay probably doesn't have anything, do you?

Jay Ziemer: Bids.

President Fanello: Oh, I'm sorry.

Jay Ziemer: Do you want me to do that now?

President Fanello: Yes, go ahead and read those into the record.

Commissioner Mosby: Yeah.

President Fanello: I forgot about those.

Jay Ziemer: I do have two bids regarding the title insurance. One is from Mills Land Title Corporation. It is for, basically, \$250 per each tax code parcel. It's for the total of 89 jobs. The payment is to be made within 15 days of the tax sale searches. There is also a cashier's check enclosed therewith in the amount of \$1,112.50, and a certificate of E&O coverage in the amount of \$1 million. The second bid is from a Svestka, S-v--e-s-t-k-a, Enterprises. It is for 15 searches at \$250 per search. They've also included a certificate of insurance for E&O coverage of \$1 million, and a cashier's check of \$187.50.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Jay.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Okay.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. First thing I have is, last Thursday we had learned that the Innkeepers Tax was increasing from 5% to 6%. Our reservation system was designed for the five cents, and will have to be updated to accept the additional 1% tax. The program was written by Lieberman and Associates. We're working with them at the present time to get estimates on the program change. What I'm doing is I'm asking permission to request these additional funds from the County Commissioners, or the County Council. We're not sure, right now, of the amount of the funds necessary, at this time, because they just told us about the increase last Thursday afternoon. They will assure me that they will have an estimate in time for Thursday's meeting to be requested from the Council.

Commissioner Mosby: I had talked, Steve, I had talked with Alan about five minutes before we walked in here, and that's fine, go ahead and get a cost from Lieberman. I think he is going to check into getting us an estimate also on what it would take to

upgrade the program, whether it be Lieberman or whoever, so that we'll have two estimates.

Alan Teeple: Alan Teeple, Computer Services. The first thing I'll throw out there, and since you're right, you grabbed me five minutes before we walked in here to talk about it is, this is a software that was designed by, and implemented by Lieberman, not ACS. ACS has no support for this product. I have no programmer on staff. So, it would mean going outside, getting a programmer to come in. I'm more than willing to do that, but just so you're aware of that.

Commissioner Mosby: Can you just get us an estimate on what that would cost as opposed—

Alan Teeple: I would have to bring someone in to look at the program to figure out what it's going to take to make that happen. I mean, just sitting here, I mean, it's not a software that we're familiar with. Lieberman designed it from, as a stand alone product for Burdette Park. It is not like it's a Word, Excel, I mean, that's used all over the nation. So, it's going to take someone to come in and take a look at what Burdette Park has, and what it's going to take to fix it. I would think that that's the same thing Lieberman is doing right now—

President Fanello: Uh-huh.

Alan Teeple: —although Lieberman's got the advantage of, they designed it. They should know what it's going to take to fix it. They wrote the code.

President Fanello: Do you have any idea what Lieberman is proposing as far as an estimate?

Steve Craig: I was told that he didn't think it would be over \$10,000.

President Fanello: To change five cents to six cents?

Steve Craig: Yes.

President Fanello: I'm in the wrong business. Is there, even though he wrote the program, I mean, you could bring somebody in just to see what their estimate would be—

Alan Teeple: Sure.

President Fanello: —to make that change.

Alan Teeple: We could take a look at it and see what it's going to take.

Commissioner Mourdock: But you probably, I'm guessing here, probably Lieberman has proprietary rights to his own software—

Alan Teeple: (Inaudible. Talking over each other.)

President Fanello: That's true.

Commissioner Mourdock: —I don't know that we can get a look at the code.

Alan Teeple: That wouldn't surprise me. My guess is, he did not give up the rights to his software when he designed it for the county. I'm making an assumption here.

Commissioner Mosby: I'm going to ask a question here, is it feasible to even look at another program?

President Fanello: Yeah.

Commissioner Mosby: As opposed to this program? I mean, let's just look at a program that you deal with that if they decide to raise the tax another penny next year that we don't have to go through this. I mean, is that a reasonable offer? I don't know. I mean, I'm not good with computers here, but, I mean, I don't know what a program costs.

Alan Teeple: I don't know why they designed it from the ground up. I don't know that there's not...are there other software packages out there that they could plug and play, much the same—

Commissioner Mosby: That's my question.

Alan Teeple: —like a finance package.

President Fanello: Uh-huh. That's what I'm thinking.

Alan Teeple: I don't know that.

Steve Craig: Or Hotel/Motel—

Alan Teeple: Yeah.

President Fanello: Well, it's like any, you know, financial package, you're going to set it up however you want, and you're...I don't know that you necessarily have to just use this one. It may be that we could find something that would be more user friendly. Just like he said, if we had to make another change, it wouldn't, you know, be such a hassle and expense to make that change.

Alan Teeple: I'm certainly willing to put one of my consultants to work with Burdette Park to research that, and report back here.

President Fanello: I personally would like for you to do that.

Commissioner Mosby: I mean, I would like to see you report back on that, and, you know, I mean, see if we're going to spend \$10,000, or less or more, or what, but have something that is user friendly, that if we go through this again we don't have to spend another \$10,000 to make a penny. I mean, I'm not sure where we're going to recoup \$10,000 on that one, 1% at them chalets.

Alan Teeple: Like I said, I'm certainly willing to do that.

President Fanello: Uh-huh.

Commissioner Mosby: If you would, work with Steve and Joyce, and see what we can come up with.

Alan Teeple: Okay.

Steve Craig: Well, then, I guess, what I'm doing is asking just permission from the Council that they will fund whatever we need to—

President Fanello: Personally, I mean, I would rather wait until he comes back. You don't have to have your, oh, I see you do have to have your requests in by next Monday, don't you?

Steve Craig: Thursday. Next Thursday.

President Fanello: I thought they have to be in by Friday. The 15<sup>th</sup> is the deadline, right? Or is it sooner this month?

Tammy McKinney: This month it's the 11<sup>th</sup>.

Steve Craig: Right.

President Fanello: Okay.

Commissioner Mourdock: We can go ahead and put the request in, but not necessarily (Inaudible).

President Fanello: Yeah.

Commissioner Mosby: I was going to say, I would vote to put the request in, and we just don't know at what amount—

President Fanello: Uh-huh.

Commissioner Mosby: —and Councilman Hoy can fill them in on what we're talking about.

President Fanello: Uh-huh.

Commissioner Mosby: Because he'll now the dilemma here on the penny.

President Fanello: Okay.

Commissioner Mosby: One penny turns into a lot of money sometimes.

Phil Hoy: I was just sitting there trying to...Councilman, Phil Hoy. Trying to figure out how many chalets you are going to have to rent to recoup ten grand. It would hardly be worth it. I would, I'll be willing to express that to Council—

President Fanello: Okay.

Phil Hoy: —and perhaps we can, by the time we get to our meeting where we vote then we'll have some amount in mind, but that we get it on the road.

President Fanello: Uh-huh.

Commissioner Mosby: I'd be better off to pay the penny out of our pocket.

Phil Hoy: That's right. That's right. Just take an offering.

President Fanello: Thank you, Councilman.

Steve Craig: The only other thing I did have was my worksheets for the week.

President Fanello: Okay, does anybody have any questions? Thanks, Steve.

<b>Soil &amp; Water Conservation District</b>
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President Fanello: And next is Soil and Water Report. Soil and Water, Councilman Hoy.

Phil Hoy: That's me. I was still thinking about ten grand. I'm going to ask...where did you go, Michael? Mike Wathen up to the mike. Mike to the mike. We said we would come in once a month and report to you all. We've had an enormous amount of activity. I've expressed to you before that the training of, we've been very successful in training the no longer new employee, and we're very happy with the work that she is doing. Michael is going to tell you about some of the projects, but the one project that I am very proud of, and I want to commend our staff in working on it is the project at the Zoo that involved the NRCS. That's the National Resources and Conservation Services. The Indiana Department of Natural Resources, Soil and Water Conservation District and the City of Evansville and the Zoo. In the words of Mr. Mc Ginn it was how to deal with, and I love this term, the zoo doo problem. You're on.

Mike Wathen: Mike Wathen, Soil and Water, and a follow up to that, it's a composting facility that we're working on on the east side of St. Joe Avenue, there across from the zoo is where it's going in at. You could, maybe, see it as you are driving down the road. We designed the basin up there on the hill to, essentially, catch the water and keep it off the project that was laid out by some of the other departments that he'd mentioned. It's going well. There was an old house inside of there that we had to pull out, so the city got involved in that and worked with us on that. A couple other things. We've got five sites right now which are, have been, two of them have reached compliance level. Simply meaning that under Rule Five, Indiana Department of Natural Resources Rule Five, we've sent out a list that marks satisfactory and unsatisfactory items that we'd like to see addressed. Those five sites, I guess, I can just give you the names of them. It's McCutchan Court, Timber Park, Clear Creek, Woodgate and Eastbrook Mobile Home Park. We've sent letters to them indicating that there are some things that we need to have corrected in order for them to stay in compliance with these rules. There is some progress being made. Two of which, though, have reached a point that non-compliance letters have been issued. So, as an FYI, that's where those stand. We've had 18 new plats this year, six of which called for erosion control plans, which means they are five acres or more. We're working with those. The Surveyor's office, we've been working real closely with on a couple of them. One in particular, I think, Mr. Jeffers made reference to a meeting or two ago at a Drainage Board or whatever, and that was McCutchan Court. I think he give you guys a letter of which, we all got the letter the same day, but Bill and I share a very comparable view of that lake, maybe that would be the best way to put it. Does anybody have any questions on any of this stuff? One other thing, our phone contract, our phone died, and I took it to the phone place, and what they, basically, told me was it lived it's life and the repair was going to cost more than what a new phone would cost. We're within 30 days of getting our

contract updated on our cell phone. So, I stopped by there today, and if you guys wish, if you would sign this tonight, they will go ahead and honor us within 30 days and give us a new phone. We'll be locked in for a one year or two contract. Typically, the bill is like \$20 or \$25 a month.

President Fanello: Are there any other questions?

Commissioner Mosby: I was going to say we go ahead and submit that to the file.

President Fanello: Do you want to go ahead and give it to us and we'll get it on the...alright, thanks, Mike.

### Ozone Officer Report

President Fanello: Do I have a motion to accept the Ozone Report.

Commissioner Mourdock: Yeah, I move acceptance of the Ozone Officer's Report.

Commissioner Mosby: Second.

### Consent Items

President Fanello: Consent Items.

Commissioner Mourdock: No late changes made?

President Fanello: Do we need to do this as a late change?

Commissioner Mourdock: Oh, okay, yeah, I'll move that we add the Soil and Water phone request to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered. (No paperwork was submitted.)

Commissioner Mourdock: Then move approval of the Consent Items then as filed.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

### Scheduled Meetings

President Fanello: Scheduled meetings.

Commissioner Mosby: I think we voted 4:30 for our Executive Session.

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<sup>1</sup>Consent Items Listed on Page 41.

President Fanello: Uh-huh. Then, I believe, United will hold their meeting in Indianapolis tomorrow at 10:00 a.m.

**Old Business**

President Fanello: Old Business.

Commissioner Mourdock: Old Business, just as a quick report from the last meeting with United that took place on either Tuesday or Wednesday, Tuesday, I think. We talked about it earlier, about the question of Ninth Street and Main Street, so I won't repeat all that, but that does remain a question as to whether the accessibility will be there. I think the most interesting point of the meeting was, at one point, I asked the question if anyone in the room, and, of course, United was there, DLZ was there, Shireman was there, Eric Williams was there, and myself. I asked the question if anyone in the room felt that the community would be adequately served by a 484 bed jail, and, basically, everyone started laughing, because everyone knew that was too small a jail. So, I then asked the question as to what was being looked at with the current jail, and was not surprised given the information I received previously that United has not looked at anything with the present jail. We kicked around the cost issues and what happens when you start to redesign in the old jail and how that space might be used. We finally came, I don't know if it's to a conclusion or a recommendation, but we finally came to, at least, the observation that we ought to consider, if we all agree that 484 jail beds is not adequate, that we ought to consider just keeping the present jail, in it's present state, and continue to use that with the new jail. Obviously, that would have impact on operating costs. We had a discussion of having Eric compile some data on operating costs and how something might be done with the new jail, but I think we need to keep that thought in the back of our mind, because we all know that 484 beds isn't going to be adequate. I would hate to see us build that new jail and then start, somewhere down the line, it won't be me as a Commissioner, but seeing some Commissioners starting to do something with the old space, and all of sudden we've got the 484 beds filled, and we're still spending millions in what's currently the old jail. So, I think we need to continue to keep that one on the forefront of a possibility.

Commissioner Mosby: I agree with you on the 484, so, there's no doubt about that.

Commissioner Mourdock: Yeah.

President Fanello: So, Eric is—

Commissioner Mosby: I'm willing to stay open to options here, but I would be willing to see what the Sheriff and Eric, you know, think as far as cost, and what kind...I guess, the one thing I would be looking for from United/DLZ, Eric, the Sheriff, I mean, the state that this jail is in presently, and what kind of upkeep are we looking at, you know, over the next five or ten years? The extra operating costs as opposed to putting one more pod on the jail, which, you know, would put us up over 600. So, I mean, I would want to try to figure all that in, you know, as close as we could get.

Commissioner Mourdock: Yeah, the same question I asked of Councilman Hoy before with the Youth Care Center about the operating costs, it's that same question again, operating costs versus capital.

Commissioner Mosby: Uh-huh.

Commissioner Mourdock: And, you know, if we take this jail down to 268 beds, which is what it's currently rated for, although, arguably, it's 329, since the ICLU says it's 329. If we take it to 268 beds, clearly it's within the working standards of a jail of it's day. In other words it's grand fathered, so we're not out of compliance, we're not going to be forced to spend millions of dollars to do something different. The operating costs is a different issue.

Commissioner Mosby: I guess the one thing that scares me, and in talking with the Sheriff and them, if we ever do, I guess, have to do any revamping or revitalizing or whatever that we, I guess, once we start any type of construction we lose "x" amount of beds.

Commissioner Mourdock: That's right, if we start that construction.

Commissioner Mosby: Right.

Commissioner Mourdock: But if we don't do it, we don't have to change anything.

Commissioner Mosby: Well, if we're good for 30 or 40 years, I guess, we're okay, but if—

Commissioner Mourdock: And we are. If we don't change anything, because once you go in there and you start to change something on the floor plan, then you are committed to bringing it all up to standard.

Commissioner Mosby: I guess, it's just how long will this last before we have to do anything? That's my question, you know, I would be looking for.

Eric Williams: I was present at the meeting, and we discussed a lot of issues, especially that of what to do with the old jail and how we could reuse that space, or use it in it's current configuration. I think what we decided was that the only way we would ever know, being able to weigh those costs of what it would cost to keep it operational as compared to new construction for the same amount of bed space somewhere else was to actually just put pen to paper, and figure up those costs. I think the majority of us believe that it probably won't be cost effective, but you don't know that until you look at it.

President Fanello: So, how, you are putting the figures together?

Eric Williams: Well, and I'll just tell you what we talked about in there. My position on that is if we're going to operate it as a 268 bed jail, which is what it is today, the operating costs are virtually identical to what they are right now. So, you could pretty close take our budget for the jail and say that is what it would continue to be. Now, there would be some differences in there because of food services, and food prep, and laundry, but the vast majority of our budget is personnel services. So, I mean, it's going to be fairly close.

Commissioner Mourdock: Those differences, how it's done with, call them the common services, food, laundry, what have you, I mean, that is an unresolved issue.

Eric Williams: Sure. Food would be the big one. Then that's not that great of an expense when you look at the overall budget of the facility.

Commissioner Mourdock: We didn't discuss it at the meeting, quite frankly, I didn't think of it until after the meeting, but one of the questions that we should have raised, I should have raised is if, in fact, we knew this was the plan, that we were going to have whatever the extra operating costs were for that facility, how would that change the design of the new jail? In other words, are there things we might, in fact, do differently, which would affect both the capital costs to the new one and the operating costs for both.

Eric Williams: Certainly that threw a whole new twist on the what we've talked about till this point in time.

Commissioner Mourdock: Yeah, and it's 268 beds. I mean, looking at it another way, if we build a 484 bed jail, and throw away the 268 beds we have, for that incremental gain of, whatever it works out to 220, I figured it up quickly, it was like \$230,000 a bed is what we're spending for the new jail. Which is off the charts. In fact, that's all we're gaining is the number of beds.

President Fanello: I'm open to that suggestion.

Commissioner Mosby: I'm open, I mean, I understand what you're saying.

Commissioner Mourdock: Definitely, I don't think 484 is adequate. I think that's the one thing the three of us have agreed on from day one is that 484 is not adequate.

President Fanello: Is not adequate.

Commissioner Mourdock: The comment the other day was if we are all heading down this path, and we all agree it is inadequate, it is capital S, stupid, for us to proceed that way, knowing what we now know.

President Fanello: Exactly.

Commissioner Mourdock: So, we need to have some other plan.

President Fanello: Well, I would say as we, you know, secure the site over the next few weeks, and that's definitely something we should have United look at in the design phase. So, alright, any other Old Business? Alright, I'll go to New, well, I've got one thing of Old Business left. Jay Ziemer has reviewed this, a couple of weeks ago, maybe more than a couple of weeks ago we approved Bernardin and Lochmueller to do the site survey out here.

Commissioner Mourdock: I did have a question as I saw that, and I got that just today. Was this, why are we signatories to this?

President Fanello: That—

Commissioner Mourdock: Shouldn't this be done under the contract? I mean, I thought these folks were working with United/DLZ under that contract.

President Fanello: I mean, it's part of a, you know, it's a service that, remember they told us in their contract would cost \$15,000, but I'm really not sure why we have to contract with them to do that—

Commissioner Mourdock: Exactly.

President Fanello: That was the same question I had with the Alt and Witzig contract, which I did ask them that last week, and they decided to go ahead and take care of that themselves. So, I'm not so sure they couldn't take care of this one either.

Commissioner Mourdock: Yeah, it seems to me that, just from the chain of liability with everything else they are doing, they ought to be the signatories (Inaudible. Mike not on.)

President Fanello: Well, we can, it's not that imperative, I mean, I can definitely ask them on that, but Jay did review the contract and it was in order.

Jay Ziemer: Yeah, I mean, the terms (Inaudible. Someone coughing.) however, as far as your ultimate agreement with the general contractor—

Commissioner Mourdock: Yeah, I guess, what I meant would be to check the original contract we have with them, because I think, and I could be wrong, but I think it thoroughly specified that this was one of the services they were handling. They did quote the \$15,000 price.

President Fanello: Uh-huh, and they were to coordinate the service and everything. Jay, can you—

Jay Ziemer: Frankly, I'm unfamiliar with the general contract, so I only looked at the terms of this contract here.

President Fanello: Could you possibly, I don't know if you have time to do that tomorrow, but maybe take a quick glance?

Jay Ziemer: No, I can do that. I would need a copy of that contract though.

President Fanello: We'll get you a copy. Thank you.

Commissioner Mourdock: Under, are we under Old or New Business?

President Fanello: We're under Old right now.

<b>New Business</b>
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President Fanello: Under New Business I have three items here. Does anybody else, do you want to go ahead?

Commissioner Mourdock: Yeah, I have just one very minor one. A letter came through, I know, Catherine, you've seen this already, from Charter Communications on the franchise fee we received from cable t.v. service. Apparently there's been an FCC ruling that the part of the cost that they collect for Internet services provided over that same cable is not part of the payment that they should be making.

President Fanello: Uh-huh.

Commissioner Mourdock: So, it raises the question whether or not, in effect, the customers have been overcharged, and whether or not there has to be some reimbursements. So, I'll just pass that down to Jay to take a look at.

President Fanello: Which they had sent in another letter asking for a meeting. So, I was going to have Patty get all the information on their contract and their past revenues and annual report, and follow up on that.

Commissioner Mourdock: Yeah, that's an interesting, that has interesting connotations as to how they split the cost inside that contract, otherwise (Inaudible) fee.

President Fanello: I've got two proclamations, they are pretty short, so I'll read them real quick. One is for National County Government Week, which is April 7<sup>th</sup> through 13<sup>th</sup>, and it reads as follows;

Counties secure America. The terror attacks on September 11 spotlighted the work county officials do 24 hours a day, 7 days a week, 365 a year. Counties are the first to respond to emergency situations and are primarily responsible for planning for disasters. County officials keep citizens protected and communities thriving. Thanks to the planning, cooperation and dedication of counties across America emergency response professionals from all across the nation are able to mobilize and respond quickly and effectively. Counties continue to deal with the after affects of September 11 and the ensuing public health threats. There are 3,066 in the United States, collectively responsible for the well being of more than 230 million residents. Counties have a long history of serving and providing for the American people. In this new and trying time, counties will continue to safeguard our way of life, remaining vigilant protectors of our citizens. County governments are the citizens local government voice, providing solutions that bring communities together. In recognition of the leadership, innovation and valuable service provided by our nation's counties: Now therefore, be it resolved by Vanderburgh County, Indiana, hereby proclaims April 7-13, 2002 National County Government Week.

So, I would like a motion to accept that.

Commissioner Mourdock: Motion to approve the resolution.

Commissioner Mosby: Second.

President Fanello: And one more other short one, International Building Safety Week;

Whereas the safety of the buildings we occupy daily is essential to the health, safety and welfare of the citizens of the world; and whereas, among the works most fundamental laws are those providing safety standards for the construction of buildings in which people live, work and play; and whereas, for construction codes to be effective and enforced, understanding and cooperation must exist between code officials and the people they serve; and whereas, through the efforts of code officials worldwide, and their cooperative relationship with the construction industry, the administration of these health and life safety standards is assured; and whereas, units of government across the world, along with such prestigious organizations as Building Officials & Code Administrators International, Incorporated, International Code

Council, International Conference of Building Officials, Southern Building Code Congress International, Incorporated, the National Conference of States on Building Codes and Standards, and the World Organization of Building Officials, are joining to promote the use of building and construction codes today, through the observation of International Building Safety Week; and whereas, the theme of International Building Safety Week 2002 has been established as Building Our World...One Community at a Time. Now, therefore, be it resolved that the week of April 7-13, 2002 shall be known as INTERNATIONAL BUILDING SAFETY WEEK. I urge all citizens to participate in International Building Safety Week activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code official administering those codes.

This was provided by Roger Lehman.

Commissioner Mourdock: I'll move approval of the resolution.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Would you re-read the part, no.

Commissioner Mosby: That's the same thing (Inaudible) said. You read all that in the same breath.

President Fanello: Okay. Now on to the next business. I will read something else into the record here. As you know, Phil Hayes is out of town on a case, and wish he could have been here to read this himself, but ;

Please enter into the Minutes of the Commission Meeting of April 8, 2002, that I will resign as County Attorney effective the close of business Friday, April 19, 2002. I appreciate the appointment and service as the County's legal counsel. I especially appreciate the experience of working with the many fine employees in County government. I have chosen to concentrate full time on my private professional law practice, and, as is customary, I will remain available to the County to assist the transition to my successor.

So, Phil had contacted me earlier last week, and I took it upon myself as President of the Commission, and you, most definitely, may agree or disagree to contact a individual who is very interested in serving as County Attorney. He has over 20 some years of experience in municipal law. Has participated in authoring some municipal law. I do have his resume here, and he is willing to probably accept the position if this board would so appoint him. His name is Kevin Winterheimer.

Commissioner Mourdock: Is Mr. Winterheimer accepting under the same terms as—

President Fanello: Yes.

Commissioner Mourdock: —Mr. Hayes? Okay.

President Fanello: He would be very pleased to be our County Attorney.

Commissioner Mourdock: I've certainly worked with Kevin previously on several issues when he was City Attorney, and as far back as the Old Riverboat Committee, got to know Kevin a little bit, so I'm comfortable with that.

President Fanello: I would have a motion to maybe from this board to make that phone call to him tomorrow morning.

Commissioner Mourdock: Before we do that, I will make the motion to accept the letter of resignation of Mr. Hayes.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: I guess, well, I guess I could say I had the pleasure of working with Kevin for 14 years. So, to say that I know Kevin very well, I do. I worked with Kevin for a long time. I know Kevin has even taught seminars in Indiana Cities and Towns before. He's very respected as an attorney all the way across the state, so I would make a motion that we contact Kevin. Or you have further conversation with Kevin, and if Kevin's willing to come over, I'm more than favorable of that.

Commissioner Mourdock: Second.

President Fanello: So, I take it this board will make the appointment if he accepts. Okay. I will be in contact with him tomorrow morning. Just a couple of his, he's been a member of the Board of Directors of the Indiana Municipal Lawyers Association from 1992 to '99. He was President of the Indiana Municipal Lawyers Association, so he's got quite a bit of experience.

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 7:10 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Sheriff Department	Voters Registration
Burdette Park	Prosecutor	Circuit Court
County Council	County Engineer	

**Travel Requests:**

Knight Assessor	County Assessor	Health Department
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**Request for Service:** County Highway

**County Clerk:** Submit Monthly Reports for January and February.

**Auditor:**

Submit Monthly Financial, Cash and Expenditure Report.  
Submit Accounts Payable Vouchers.

**Recorder:** Declaration of Surplus Equipment.

**Sheriff:**

Submit Weekly Jail and Community Corrections Information Reports.

**Commissioners:**

SWCD Cell Phone Contract. (No paperwork submitted.)

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Jay Ziemer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Mark Miller	Phil Hoy
Brad Ellsworth	Eric Williams	Mike Wathen
Ralph Kissinger	Steve Craig	John Stoll
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
April 15, 2002**

The Vanderburgh County Board of Commissioners met in session this 15<sup>th</sup> day of April, 2002 at 5:37 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Vanderburgh County Board of Commissioner meeting, April 15<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right, Tammy McKinney, Superintendent; County Attorney, Phil Hayes, who this will be his last meeting, and we do thank you for your service, Mr. Hayes.

Philip Hayes: Thank you.

President Fanello: Our new County Attorney, Kevin Winterheimer, is sitting right back here. Commissioner Mosby; myself, Commissioner Fanello. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of minutes from April 8<sup>th</sup>?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Approval of April 15, 2002 Executive Session Summary Minutes**

President Fanello: I'll move approval of tonight's Executive summary minutes, began at 4:30, ended at 5:30, three Commissioners, County Auditor and Mr. Hayes were present. That meeting dealt with the acquisition of properties, pending litigation against the county and personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Kerry Kamp: USI/ City/ County Transportation Agreement**

President Fanello: First person, Kerry Kamp.

Kerry Kamp: Yes.

President Fanello: I think, and I, we asked Kerry to be here tonight because Tammy brought it to my attention last week, something to do with the transportation service to USI, and we didn't have any kind of written agreement or anything. So, we wanted you to come explain. I think our goal is to get something in writing, so.

Kerry Kamp: Yes. I understand what you're saying, and I agree that it probably should be in writing.

President Fanello: Okay. Maybe, kind of give us a little history or something.

Kerry Kamp: Well, I brought Kent Cutchin from METS, and the Director of Transportation Services, Pete Swaim, also, but, basically what happened in the year 2000 METS had Howell, they reinitiated the Howell bus on the west side. It went to a shopping area out off Red Bank Road, I think, there's a Schnuck's out there, and a Wal Mart, and various stores like that. Part of the agreement was that when the Howell bus let the people off (Inaudible. Audio interference.) we would have a shuttle bus that would be at Schnuck's, and it would go over to Wal Mart and some of the other stores in the area. It would take, if there would be any students from USI, it would pick those students up, it would take them to USI, and also once it got to USI it would bring them back to that shopping area. Now, the shuttle service could also be utilized by other citizens, but there would be a cost to those personnel. USI students, as long as they had some sort of an identification, they would ride for free. The cost of this service was \$75,000, of which the city would pay \$25,000. The agreement was that the county would pay \$25,000, and USI would pay \$25,000. The agreement would run from September 1 of each year, through August 30<sup>th</sup> or 31<sup>st</sup> of each year, whatever, you know, the days are in August.

President Fanello: Okay. And—

Kerry Kamp: And we had, we've ran through one year of this situation, and we've billed for the next apportionment year. That's when Ms. McKinney started asking questions, and we were asked to come before the Commissioners and explain the situation.

President Fanello: Okay, because, do we have it in our budget? What is the current status of that?

Tammy McKinney: I put in for an appropriation—

President Fanello: Okay.

Tammy McKinney: —for the \$9,900, what was left.

President Fanello: Okay.

Tammy McKinney: There is a line item, but there wasn't ever money put in it, so I have asked for an appropriation for that. As far as I know, that will finish up...where does that set us? Where does that put us?

Kent Cutchin: That would finish up 2000 (Inaudible. Someone coughing.)

Commissioner Mourdock: State your name, please.

Kent Cutchin: Kent Cutchin, with METS transportation. The service was implemented in September of 2000. The county issued a check for \$25,000, which covered a year, but we went forward and just broke it down for a calendar year. So, you are actually appropriating what would be the end of 2001.

Tammy McKinney: Okay, so the \$9,980 will finish up year 2001?

Kent Cutchin: Correct.

Tammy McKinney: Okay.

President Fanello: Okay, and then could you go ahead and, possibly, over the next week get us something in writing? Because I'm, I didn't have a chance to go back and refresh my memory, but I'm not sure that we took care of it for the budget for this year, because I was not aware of it, because there wasn't any kind of written agreement or anything.

Kerry Kamp: By writing, what do you mean? Some sort of—

President Fanello: Just some sort of, you know, I don't like—

Kerry Kamp: (Inaudible. Talking over each other.)

President Fanello: —yeah, just some, it could be as simple as a one page agreement, but I just want to make sure that there is something on file that kind of explains what we are doing here.

Kerry Kamp: Should we get that to Mr. Winternheimer?

President Fanello: Yes.

Kerry Kamp: Okay. He will present that to you.

Commissioner Mourdock: Since you've been doing this a year, could you also give us a report on what the rider ship is?

Kerry Kamp: Yes.

Commissioner Mourdock: You told us what the cost is, I would like to know what the benefit is.

Kent Cutchin: Yes. Rider ship for last year, we averaged 6.5 passengers per hour, broken down by the hour. For the total year, 22,556, I believe, is what the total rider ship for the year was.

Commissioner Mourdock: Okay, and that's 6.5 per hour of operating time?

Kent Cutchin: Yes. Correct. Service hours.

President Fanello: Does anybody else have any questions?

Commissioner Mourdock: Say the second number again, was what, 22,000?

Commissioner Mosby: This isn't the same bus you run on campus is it?

Kent Cutchin: 22,556, I believe.

Kerry Kamp: No, it's not.

Commissioner Mosby: Okay. I knew you run a bus on campus out there throughout the day, and USI pays for that solely, right?

Kent Cutchin: Yes.

Commissioner Mosby: All the costs?

Kent Cutchin: Yes, that bus stays on the campus.

Kerry Kamp: The shuttle service, I think it's a van, that runs between USI and that shopping area from the west side.

Commissioner Mosby: The money that you are wanting us to appropriate, I guess, has done been spent? You are saying that this is covering September of 2001 to the end of the year?

Kerry Kamp: Through August the 31<sup>st</sup>, or whatever. So, it would be for this quarter. It would be for four months.

President Fanello: I think that what's confusing here, if we are going to go on a time period like that, I'm not exactly sure why we're paying for the last, did you say the last four months of 2001?

Commissioner Mosby: That's the way I'm understanding it.

President Fanello: Yeah, I mean, if it runs through September 30<sup>th</sup> of 2002, I don't know why we wouldn't make our payment, the whole \$25,000 payment in 2002? Is that what you're—

Commissioner Mosby: No, I'm just wondering why we didn't pay our bills in 2001?

President Fanello: Well, we did. We paid the \$25,000, correct?

Kent Cutchin: You paid the \$25,000 for the last four months of 2000...you paid it on, I guess, you're fiscal year, you paid the entire year of service. We started the service September 1<sup>st</sup> of 2000. You were actually paid through with your \$25,000 to the last of August—

Commissioner Mosby: Right.

Kent Cutchin: 2001.

Commissioner Mosby: Right, so we owe for September, October, November and December of 2001.

Kent Cutchin: Correct.

Kerry Kamp: When did we actually invoice them for this situation?

Kent Cutchin: I would have to look and see, Kerry, it was here recently.

Commissioner Mosby: Was there any money in that account that went back?

President Fanello: No. We didn't know...all that was in that account was \$25,000, because, I'm assuming, that the Commissioners before appropriated \$25,000 in their budget. We gave them the \$25,000, and that's all we had in there.

Commissioner Mourdock: Uh-huh.

President Fanello: I was not aware of it, so I do not know if it was put in this year's budget, because I was not aware of it since there was no written agreement of any kind.

Commissioner Mosby: Then you guys don't have a written agreement?

Kerry Kamp: No.

Kent Cutchin: No.

Commissioner Mosby: It was just a verbal?

Kerry Kamp: It was a verbal agreement.

Kent Cutchin: Yes.

President Fanello: Any other questions? Any other questions, Richard?

Commissioner Mourdock: No.

President Fanello: So, if you'll just get that to Mr. Winternheimer.

Kerry Kamp: Okay, thank you.

Commissioner Mosby: Thank you.

**Dennis Avery: Evansville Psychiatric Children's Center**

President Fanello: Dr. David Hilton is the next one on the list, but he will not be here tonight. He could not come to speak since there is going to be a lawsuit filed, so that prohibits him from speaking. I believe, Representative Avery, is there anything that you would like to add at this time? I know that you had, you were trying to research some information for us.

Dennis Avery: Thank you, Madam Chairperson. Members of the Commission. I think you were inquiring as to the possible fiscal impact of closure of the Evansville Psychiatric Children's Center, what the fiscal impact would be on county government. I have had our Indiana Legislative Services Agency to do some research to determine exactly what that impact would be. It's very difficult to do that, because the population, the census, out at the Children's Center is always changing. It's not known, for certain, for a certainty where those children will go once the Center closes, and also what the level of care will be required for the children once the Center closes, or if the, hopefully, the Center won't close, but should that occur. I have asked our Legislative Services Agency to look at that, and I gave you a copy of a preliminary fiscal impact from our attorney, Kathy Norris. That came this

afternoon at a little after 4:00. She was not able to get complete numbers, at this point, but she is continuing to work to try to determine how many, first of all, how many are wards of the court. That will determine a great deal as to what kind of fiscal impact we're talking about. If they are wards of the court, then that, obviously, will probably become a county burden. If there are four children, for example, that are wards of the court, and I do know that there are some that are wards of the court. Catherine, you saw at the hearing the other day where one woman, one mother, testified her child is a ward of the court. So, if that child is placed in a local group home, which might very well be the case, then the county has the burden of providing for all the residential services for that child. If they require medical services, or if they require psychiatric services, then that burden will be borne by Medicaid, which is about 1/3 state cost, and about 2/3 federal cost. Right now, most of the children are either Medicaid or Disproportionate Share picks up most, in fact, almost all the cost right now, Medicaid and Disproportionate Share. The state has, of course, a burden of the Medicaid, but it is borne by everyone, except county government. We don't have that responsibility right now. Should the Center close, and should they be returned to local government, local government will have a lot of that responsibility. If they're placed in a private, not-for-profit organization like we see often with CHIN, placed by courts in institutions throughout the state, and sometimes throughout the country, then that could very well be a burden that would be borne entirely by Vanderburgh County. For example, something like Whites or Gibault, which is near Terre Haute. Or a place called Oconowack, which is another place in Wisconsin that I understand Indiana sends a lot of children. I understand Gibault or White is about \$70,000 a year. Oconowack could be as much as \$75,000 a year, and these numbers are not current too, they are as of about a year ago. It could very well have gone up even more than that. You're seeing, you can see that there is a tremendous, could be a potential, tremendous increase in costs for county government, should the Center close. There is also another element that could play here too, is that, if the, there's an educational component if they are ruled by the Department of Education to be a Rule S5, that's a child that cannot receive services at the local level, but they must get them educational services somewhere. If they are ruled to be an S5, then that could be a burden that will be picked up by state government through the Department of Education. Then also if there is an educational component to the court order, then that is also something that could be borne by the local School Corporation, which could be an increase in cost for the local School Corporation. That's not currently the case. I think what we're seeing happening, and as more information becomes available, why I think we're going to see that there is going to be additional costs for county government, not just the county through the Commissioners and Council, but also through the School Corporation, and that this (Inaudible) will probably, in my opinion, provide an increased cost for state government. A burden that is currently borne by the federal government through Medicaid. I don't think there will be as much of that available if this is indeed the case. I've tried to cover, in general terms, as to what's going to happen. I can't give you concrete numbers, because, as I said, and I don't know, and neither does our Legislative Services Agency, they don't know the census. They don't know how many of these children are wards. Where these children would go once, once this, the Center is closed, or if it is closed. So, it's very, it's really impossible to give concrete numbers. They are working to fine tune the numbers that we've provided so far, and, hopefully, within a few days I'll be able to provide you with more detailed numbers, and I will forward those to each of you when those numbers are available.

President Fanello: Alright. Thank you, Representative Avery.

Dennis Avery: I would be happy to answer any questions.

President Fanello: Does anyone have questions?

Dennis Avery: Or at least I will attempt to answer any questions.

President Fanello: Okay. Well, at this time, since we're on the subject, there is a letter before you that I would like for the Commission to sign. The letter is directed to Mr. John Hamilton. I think each of you probably had a chance to read over it. So, if someone would make a motion to—

Commissioner Mourdock: I'll make a motion to approve the letter, and for the audience's interest the letter essentially is saying that this Commission doesn't favor the closing of the local Center. In a sense, what we have here is another unfunded mandate from state government telling us to pick up the tab, while they cut a vital service, while the Governor still gets his new \$4 million airplane. So, I will move that we go ahead and approve the letter that you've prepared, Catherine. I think it's a good letter.

Commissioner Mosby: Second.

President Fanello: So ordered.

<p><b>Cedric Hustace: First Reading/ Public Hearing Regarding Vacation of the Unnamed Platted Street Between 8300 &amp; 8216 West Terrace Drive</b></p>
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President Fanello: Next on the list is Cedric Hustace.

Commissioner Mourdock: (Inaudible. Mike not on.)

President Fanello: Yes.

Cedric Hustace: Madame Chairman, Commissioners, I represent Howard and Lillian Lamkin, and Calvin and Jane Ashley. Mr. and Mrs. Lamkin could not be here tonight. Mr. Lamkin is in the hospital, however, Calvin and Jane Ashley are in the audience. I am representing them to try to get a street vacated. It's a platted street, not improved, and just goes the length of their side lots, and it's between their two lots. They are abutting property owners. I've received consents from all of the public utilities, none of which has any facilities in the area. I've also got the consent of John Stoll, the County Engineer. So, it is a street that's never been put in, and it has no purpose, whatsoever. It just looks like part of their lawn right now.

Commissioner Mourdock: Did you say, Ced, that you do have the consent of the County Engineer?

Cedric Hustace: That is correct. It should be a part of your packet there. It is an exhibit that is attached to that packet.

Commissioner Mosby: I have a question. This is a first reading. We shouldn't be discussing this. I didn't think you did discussion—

Madelyn Grayson: No, this is the public hearing. We already advertised this. This is the public hearing.

Commissioner Mosby: Why does it say first reading.

Commissioner Mourdock: It says first reading and public hearing.

Madelyn Grayson: Yes.

Commissioner Mosby: I always thought it was second, final, public hearing.

Commissioner Mourdock: It's just as a point of rules, I don't know that we've ever not had the types of questions just asked, asked. I mean, if there's –

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mosby: That's fine.

Commissioner Mourdock: I've never had that brought up, David, I don't know. You're saying that you think on the first reading, there ought to be no discussion?

Commissioner Mosby: No discussion. Usually, on first readings you don't have discussion. Usually, your discussion comes under second and public hearing.

Commissioner Mourdock: So, your comment isn't so much directed at me–

Commissioner Mosby: No, no, no.

Commissioner Mourdock: –as it is to Ced.

Commissioner Mosby: No, I'm just saying–

Commissioner Mourdock: (Inaudible. Talking over each other.)

Commissioner Mosby: –I didn't think we should be discussing it, but that's fine.

Commissioner Mourdock: Well, I'll make–

Commissioner Mosby: It doesn't...we can go ahead and do it since he's here. I mean, I don't know if there's any remonstrators here, or anybody that would want to remonstrate. That normally happens under second reading. I would hate for them to file suit saying we illegally discussed this.

Cedric Hustace: I might comment, Mr. Mosby, that it was advertised for tonight, and that's what our notice that went out to all the abutting property owners was that there would be a hearing tonight on this.

Commissioner Mosby: Okay. That's fine.

Commissioner Mourdock: Is there anyone else here to discuss this particular vacation? For the record, seeing none, other than, I think, these are your clients.

Cedric Hustace: That's right. That's Mr. and Mrs. Ashley.

Commissioner Mourdock: On first reading, I'll move approval.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered. For first reading.

Commissioner Mourdock: We'll readvertise for second? Or do we have to readvertise? I don't think we do. Okay, so second will come next week.

President Fanello: Uh-huh.

Commissioner Mosby: Okay.

Cedric Hustace: Excuse me. Do you want us to be back for second reading? Or do we need to be?

President Fanello: I guess, that would just depend on if any remonstrators—

Commissioner Mourdock: Yeah, yeah.

President Fanello: —and we don't have any idea of knowing.

Philip Hayes: Your notice for the hearing was just tonight. Your notice just went to this evening, right?

Cedric Hustace: That is correct. That's what we've done—

Philip Hayes: (Inaudible. Talking over each other.) First reading—

Cedric Hustace: —before on street vacations, so. It was like one hearing.

Philip Hayes: That's, Madelyn, that's what our packet—

President Fanello: Okay.

Philip Hayes: —has on directions to them.

President Fanello: So, then they would not need to be here next week. Okay.

Commissioner Mosby: Probably not.

President Fanello: Okay.

Cedric Hustace: Well, thank you very much.

Commissioner Mosby: Thank you.

President Fanello: Thanks.

Commissioner Mourdock: Now I'm confused. That does not need to be next week, as if this is the first and second, is that what you're suggesting, Catherine?

President Fanello: No, I'm just going off what she said the advertisement said.

Philip Hayes: Yeah, it runs—

Suzanne Crouch: This is the first and public hearing.

President Fanello: And public hearing.

Commissioner Mourdock: First and public, and then we will another second next week.

President Fanello: Second reading next week.

Commissioner Mourdock: Right. Okay.

Commissioner Mosby: The thing that would be unfair to them is if we have a question. You know, if we want to vote against it or something (Inaudible).

Philip Hayes: There's no further—

President Fanello: You're saying it was not advertised as a second reading and public hearing next week. This was the only public hearing.

Philip Hayes: Street vacations are all preceded by a kit that we have. (Inaudible. Mike not on.)

**Phil Lawrence: Open Bids for Burdette Foods**

President Fanello: Phil Lawrence, open bids for Burdette foods and award Burdette t-shirt bid.

Philip Hayes: These are all (Inaudible. Mike not on.) ?

Phil Lawrence: Yes.

Commissioner Mosby: That's what I was going to do awhile ago, is go ahead and make a motion to open all of these, everyone of them bids.

President Fanello: Well, we might as well go ahead and, we could probably take all three of these separately and make motions for the attorney to—

Commissioner Mosby: I would make a motion that we let them open bids for F, G & H.

Commissioner Mourdock: Do we not already have the report back on F in here?

Phil Lawrence: We have the report back on the t-shirts.

Commissioner Mourdock: Okay, which is what I have listed as F. So, we're not opening bids for F, you're reporting back on F.

Phil Lawrence: Right.

Commissioner Mourdock: So.

President Fanello: Oh, no, we're opening bids for Burdette foods.

Phil Lawrence: We're opening bids for Burdette foods, and awarding the Burdette t-shirt bid.

Commissioner Mourdock: Okay, but since that includes both, that's my point, instead of making that motion for F, let's just do it this way, we'll move that we open the bids for Burdette foods.

President Fanello: Do I have a second?

Commissioner Mosby: Second.

President Fanello: So ordered.

**Phil Lawrence: Award Bid for Burdette Day Camp T-Shirts  
(Oswald Promotions)**

Commissioner Mourdock: Okay, and now go ahead and tell us about the award.

Phil Lawrence: Okay.

Commissioner Mourdock: What you have.

Phil Lawrence: The t-shirts were invitation to bid. As you can see, it was participated quite heavily. Oswald Promotions was the low bidder in all cases. The one's at the end, if you noticed on the tabulation sheets, the blank spaces, they don't know whether they are going to buy those t-shirts or not. So, basically, it's the grey boxes that we'll be awarding tonight.

President Fanello: Does anyone have any questions?

Commissioner Mourdock: I'll move the award as recommended by Purchasing.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Okay, you're welcome.

Commissioner Mourdock: Then did you turn in the bids for Heppler Road a moment ago? Is that what you handed to him.

Phil Lawrence: No, I handed him the Burdette food bids.

**Open Bids for VC02-03-01: Heppler Road Bridge #830 &  
Open Bids for Elderly/Handicap Transportation**

President Fanello: Yeah, the Heppler Road bids are in, and the Handicap Transportation bids are in. So, if we could have a motion to direct the County Attorney to open those bids.

Commissioner Mourdock: I'll so move.

Commissioner Mosby: Second.

President Fanello: So ordered.

**First Reading/Public Hearing of the Joint City/Count  
MBE/WBE Utilization Board Ordinance**

President Fanello: While they are doing that, the next item is first reading and public hearing of the Joint County/City MBE/WBE Utilization Board Ordinance. Is there anyone here to speak to that ordinance? I'm not seeing anyone. Do I have a motion to approve on first reading?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Amendments to United Consulting and Shireman Contracts**

President Fanello: The next two items that you have in your packets are amendments to the United Consulting contract and the Shireman contract. Which, basically, the gist of these amendments are they are bringing in line the fee schedule as was proposed in the Crowe Chizek study in the meeting in December. Because there is a reduction in scope of work, there is also a reduction in fees. So, that is all this is doing is bringing everything in line with the financial information.

Commissioner Mourdock: I just want to be sure I understand it. In item five, it talks about the Basic and Added Value Services—

President Fanello: Uh-huh.

Commissioner Mourdock: —and it lists the Basic. Then in the next page, on page six, that figure \$1,997,100 is replacing the \$2,427,000, is that correct?

President Fanello: No, if you add the \$1,197,000, with the \$430,000 Building Program amount, those two together add to the total cost of \$2,427,425.

Commissioner Mourdock: Okay. Alright.

President Fanello: Of which the, most of the Added Value Services have already been paid for.

Commissioner Mourdock: Right. Right.

President Fanello: That was, yeah, so the actual architectural fee is \$1.997.

Commissioner Mourdock: The way the language is in that is kind of confusing, but it's alright.

President Fanello: Then in Shireman's contract, he has actually attached, he's gone a little further and possibly attached if there is any other change, if there is any changes in the hard costs of the contract, what the fee schedule might be.

Commissioner Mourdock: Alright.

President Fanello: So.

Commissioner Mosby: I make a motion to approve, if there are no other questions?

Commissioner Mourdock: Since it's two items, I think you need to do them separately, but I'll move second for the United Consulting amendment.

President Fanello: Can I go ahead and have a motion for the Shireman amendment?

Commissioner Mosby: You want to just do them as two items?

President Fanello: Huh?

Commissioner Mosby: Do you want us to do them as two items?

President Fanello: Oh, I said, so ordered.

Commissioner Mosby: Oh, okay. Motion to approve Shireman.

Commissioner Mourdock: Second.

President Fanello: Okay. So ordered.

**Award Bid to Perform Title Searches in Connection with the  
2002 Expedited Tax Sale**

President Fanello: Next item is Auditor, award bid to perform title searches.

Suzanne Crouch: Yes, we recommend that the award, or that the bid be awarded to Mills Land Title Corporation. They did submit a bid for 89 properties, all 89 properties at \$250. So, that was the same as the other bid, however, the other bid did not offer to do all the properties, and they were selective in that they would not do some properties that were owned by a certain individual. So, we would recommend that you award that bid to Land Mills Title Company.

Commissioner Mourdock: So, it's considered lowest, responsive bidder.

Suzanne Crouch: That is correct.

Commissioner Mourdock: I'll so move.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: I believe Phil is still opening...is there any other individual or group wishing to address the board? I see Dennis Woehler there.

Dennis Woehler: Dennis Woehler, ONB Insurance. You all have already voted to have the refund, but I get very few chances to bring good news, so I thought I would deliver the check. It's \$83,339.93.

President Fanello: Thank you, so much.

Commissioner Mosby: That will buy some t-shirts.

President Fanello: Thank you, Dennis. We appreciate it.

Commissioner Mosby: Thanks, Dennis.

**Reading of Burdette Park Food & Beverage Bids into the Record**

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mosby: Sure we can.

President Fanello: Are you ready, Phil?

Commissioner Mosby: He wants to dispose of the Burdette matter.

Philip Hayes: (Inaudible. Mike not on.)

President Fanello: Go ahead.

Philip Hayes: These are...Mr. Lawrence, if you want to correct me if I'm wrong, but these bids are not in a form and manner that we can read each item off, is that correct? So, for the record then as responsive to the bids, and in terms of an examination of the contents of the sealed envelopes, they appear to have appropriate non-collusion affidavits and they all appear to have submitted security for the bid in the form of either certified checks or by bond. The first one is noted as having a response is Fischer Candy Company. The second, Schwan's Sales Enterprises, Incorporated. The third, Weber Foods, Incorporated. The fourth is (Inaudible), yes, Sara Lee Bakery Group, A & D Distributors of Evansville, Incorporated, and Diamond Foods, Incorporated. On Diamond Foods, the fasteners came undone, so on the record, I'm going to leave it in the envelope as opposed to the others that are not, but it has been opened and reviewed. We have no others that are known.

President Fanello: Alright, do I have a motion to take under advisement?

Commissioner Mosby: Motion to take under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered. Next item, Phil, have you had, oh, you haven't had a chance to open the Handicap Transportation Bids yet.

Philip Hayes: Right.

President Fanello: Okay. I believe we have someone, Alan Teeple.

**Revisit Any Group or Individual Wishing to Address the Board**

Alan Teeple: Alan Teeple, Computer Services. Last week when Burdette Park was doing their weekly status report, you had asked me to do some research on the

software that they were using, etcetera. On the 9<sup>th</sup> of April at 5:00, I talked to Phil Lieberman of Lieberman and Associates, who is the one that is bidding on the work out there. They are the one's that initially did the soft, set up the system, designed the system. The software is proprietary. If anyone else touches it, it becomes ours, and ours meaning the county or city's. So, just so you're aware of that. The rate that he is charging, Joyce was kind enough to send me a copy of his estimate. Their hourly rate is \$80 an hour, which is, pretty much, the standard for Access programming. So, just so you are aware of that. The one thing that I did note in this, and Phil had said it on the phone, and this was also what was in the document that Joyce had faxed to me is that what they intend to do will allow additional taxes in the future, if needed, as well as individual tax increases, individual tax decreases, tax amnesty days, without further system changes or updates. In other words, when they designed the system initially, they did not put in tables. They thought that it was a one time, they would never have to touch it again, pretty much, other than maybe some fine tuning, and this, what they are doing now is putting in tables so that a user can go in and say, oh, it's 7%, then we put in seven. Oh, it's 4%, we put in four. So that, and that covers, I mean, it's I counted, let's see 17 different forms that they need to change. So at \$80 an hour, you're talking a little over 100 hours of work, plus the reports that get generated and are touched by the changes. When this system was requested four and a half or five years ago, there was no system that was in existence that met all the needs of Burdette Park, and they could probably speak to that better, but that's what Joyce had informed me. There are no softwares, at this time, that seem to meet all the needs that Burdette Park has, short of going out and investing high dollars in some serious park and recreation—

President Fanello: Then, I guess, I need to have a clear understanding of what the needs are, because, I mean, I deal in financial software all the time, and this just seems a little astronomical to me.

Alan Teeple: And I'll let Burdette—

President Fanello: Okay, yeah.

Alan Teeple: —speak to that, but my understanding of what it is, is that it is a reservations system, not necessarily a financial system. I realize that it can probably, there are other financial systems out there that may or may not be able to be modified, but it helps them reserve, lease, and report on their chalets, shelters and pool facilities. So, that's, I mean, that's why they had to build it from the ground up using, and it's written in Access.

President Fanello: Well, what does the Centre use? Because they reserve and—

Alan Teeple: I have no idea. If they even have something comparable. You'd have to ask—

President Fanello: I mean, they do about the same things that, I mean, they reserve space, so. I'm just having a hard time understanding that, I mean, I understand what you're saying, but that there's not something out there that—

Steve Craig: Did, I don't know, we had got this late last week, did you get a list from Lieberman's?

President Fanello: Huh-uh.

Steve Craig: What it is, like he said, there is 17 different things that they got listed.

President Fanello: I haven't seen anything, so.

Steve Craig: Well, we got it too late to turn in with our-

President Fanello: Okay.

Steve Craig: -reports, but I got a copy here, and I know he has one, but this has all 17 things that they are changing on it.

President Fanello: Okay, then why don't you just turn that in and we'll look over it, but I'll have to sit down and talk with you about it or something.

Alan Teeple: I was going to say, why don't you (Inaudible. Not at mike.)

President Fanello: Tammy, here. This needs to be made for each Commissioner.

Commissioner Mourdock: The estimate that you quoted last time, Steve, was that a not to exceed rate? Or was that the estimate based on what they thought the hourly work would be? Do you know?

Steve Craig: They had originally said they thought it was going to be about \$10,000, but when he came back, I think it was Friday, it was \$11,800.

Commissioner Mourdock: Okay, so that was just an estimate. Still it wasn't a fixed price.

Alan Teeple: It's also (Inaudible). You'll see when you get the document, it is a not to exceed \$11,800. A not to exceed amount.

President Fanello: I don't have anymore questions. Does anybody else have any questions? Okay. Thank you, Alan. Is there any other group or individual wishing to address the board?

**Reading of the Elderly/Handicap Transportation Bids into the Record**

President Fanello: I believe the County Attorney is ready to read the Handicap Transportation bids.

Philip Hayes: Yes, we can do that. Those were Requests for Proposals, and then, those were Requests for Proposals, two have been logged in as timely. One is American Medical Response, and the other by Tri-State Transportation. They have various details in them, and you may wish to take those under advisement for review.

President Fanello: Okay, do I have a motion?

Commissioner Mosby: Motion to take under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you.

Philip Hayes: (Inaudible. Mike not on.)

**Commissioner Mosby: Update on Jobe's Lane Sanitary Project**

Commissioner Mosby: I was going to say, while he's doing that, I had last week received from Mr. Brock a copy that I had told you I wasn't completely satisfied with on the Jobe's Lane financial deal. Since then the county law department has went back and rewritten the financial contract and taking out all the language that would bind us to a low interest loan. This agreement will be on a grant only, and if they are able to secure a grant, then we will owe them money, and if they are not able to secure a grant, we owe them nothing, and they will have to come back before us and decide whether we want to look at, determining whether we want to go with a low interest loan. So, I was given these this afternoon by the county law department, and I would ask that if you'd like to look over them, and we can pass them at the end of the meeting or so. Mr. Brock has seen a copy of this. We faxed his copy back up again with all the lines marked out, and he has agreed and signed the copy that we "x'd" out. So, he's okay with it.

President Fanello: Alright. Thank you, David.

Commissioner Mosby: Are we not going to deal with it?

President Fanello: Oh, I thought you wanted us to pass it at the end of the meeting.

Commissioner Mosby: No. No, I want you to look at it, but pass this tonight. This was supposed to have been up there last week. We just got it back this afternoon. I would try to answer any questions, if you have any. If not, I'll make a motion that we—

President Fanello: I don't have any questions.

Commissioner Mosby: —go with Mr. Brock.

Commissioner Mourdock: (Inaudible), Catherine, you act on it.

President Fanello: I'll second the motion.

Commissioner Mosby: Okay.

President Fanello: Much needed project for the citizens of Vanderburgh County.

Commissioner Mosby: No, you was seconding it?

President Fanello: Uh-huh. You did make the motion, didn't you?

Commissioner Mosby: Yeah, I made the motion, I didn't know why—

Commissioner Mourdock: I just haven't had time to look at it, I'm sorry, but I'm not mentally able to figure it out tonight.

President Fanello: I'll say so ordered.

**Reading of VC02-03-01: Heppler Road Bridge Bids into the Record**

President Fanello: Heppler Bridge, is that–

Philip Hayes: Yes, with regard to responses, we've received the following bids submitted by triple C of Evansville, Inc. or CCC, the amount \$220,160.65. Deig Brothers Lumber and Construction Company, Incorporated, \$304,824 even. The third and final that we see is D.G. Construction of Boonville, Indiana, \$222,117.20. All of the bids appear to be in order with non-collusion affidavits and appropriate bonding documentation.

Commissioner Mourdock: Motion to take under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: Any other group or individual wishing to address the board? We will move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First I would like to go before County Council to transfer \$1,811 from the Old Henderson Road Bridge Account, and \$1,000 from the Boyle Lane Bridge Account to our Mill Road Bridge Account. That's a grand total of \$2,811. We had some slight overruns on the project, and that's what the need for the transfer is.

Commissioner Mosby: Motion to transfer.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval to make offers on four more parcels on the University Parkway Project. Parcel two, it's owned by Falls, and that amount is \$35,600. Parcel five is the Jehovah Witness church, it's \$63,700. Parcel seven is owned by Geir, and it's \$15,600. Parcel eight is Gillard, and that's \$12,725.

Commissioner Mourdock: I'll move the approval of the offers.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: And other than (Inaudible) these parcels, that takes care of all the offers. It will just be a matter of trying to get everything settled. The last item I've got is just to let you know we sent out some notification to contractors last Friday to receive quotes on cleaning out the debris on a First Avenue culvert structure. Those quotes are due in next Monday. This is the four box culvert structure that is up by Fazzoli's. Also this Friday we are going to send out notification to the contractors to request quotes on the replacement of 66" concrete pipe on Boonville-New Harmony Road between Old State and Highway 41.

President Fanello: Okay.

John Stoll: That's all I have.

President Fanello: Are there any other questions?

Commissioner Mosby: Nope.

President Fanello: Thank you, John.

John Stoll: Thanks.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports. Other than that, I just wanted to say something about the safety program at the garage. I talked with Sandie Deig this morning, and we were kind of going over some claims for the last two years, and I'm happy to report that our claims are down about 70% on Workman's Comp. So, hopefully, we'll keep our fingers crossed, keep working on the safety program, but, apparently, it is working to some degree. So, other than that, I really don't have anything unless you have any questions.

President Fanello: Any questions? Thank you, Ralph.

**Phil Hayes: County Attorney**

President Fanello: County Attorney.

Philip Hayes: No report.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: The only thing I have, I would like to submit a late travel request for the Commissioners office.

President Fanello: And that is for Tammy and Patty to attend a budget and finance course in Indianapolis. It just a one day class.

Commissioner Mourdock: I'll move we add that item to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: The only thing I have other than that was my work reports.

President Fanello: Okay. Are there any questions?

Commissioner Mosby: I don't.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move adding Soil and Water and the Ozone Officer's report to the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: Consent Items. I believe there is one that we need to pull. That would be item G, agreement between Paul Hatfield, the PTABOA, and the County Commission. There is no funding for that amendment at this time, so I do not, it's a personal opinion, but I don't think it's appropriate to be signing it, so.

Commissioner Mosby: Well, we just extended that contract.

President Fanello: Uh-huh, once. I believe Tammy attached kind of the history of where we are on that agreement.

Tammy McKinney: I think it was signed like March 25<sup>th</sup>. It was just like a couple of weeks ago.

President Fanello: Uh-huh.

Commissioner Mourdock: Are you saying, Catherine, there is no funding for the difference between the prices? I had a question on that same one, because I couldn't quite tell if that was being submitted as a second amendment to the whole—

President Fanello: This is a ...yeah, this is a second amendment.

Commissioner Mourdock: But is it a second, separate amendment? The first was ending in \$13,000, this one is in \$16,000, does that mean the two amendments together total \$29,000?

President Fanello: No, the first agreement was for \$10,000, correct?

Tammy McKinney: Uh-huh, the original agreement might have been for–

President Fanello: Yes, for \$10,000, and then there was an amendment that we signed in March that would have increased that by \$3,000–

Commissioner Mourdock: To \$13,000.

President Fanello: –up to \$13,000, and then this one increases it up to \$16,000, but there is no, as I understand it, there is no funding for that.

Tammy McKinney: That's the way I understood it too, that there is not an additional \$3,000–

Commissioner Mourdock: Okay, so–

Tammy McKinney: –in that budget.

Commissioner Mourdock: –it's the additional that's lacking?

Tammy McKinney: Right.

Commissioner Mourdock: And the way it was worded, my same question applies, because it looks like it could have been a second amendment to the original contract–

President Fanello: Uh-huh. It's very confusing.

Commissioner Mourdock: –that it does (Inaudible).

Tammy McKinney: Right, and I called Cheryl on it just to make sure it wasn't an additional \$16,000, to verify that.

President Fanello: I'll entertain a motion to remove that from the Consent Items.

Commissioner Mosby: Motion to remove.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: And with the one addition then, that we've already stated, I'll move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

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<sup>1</sup>Consent Items Listed on Page 24.

**Scheduled Meetings**

President Fanello: Scheduled meetings. United will be here tomorrow for the weekly jail meeting, and it begins at 10:00, and I do plan to attend that meeting, if that's alright. Any other scheduled meetings?

Commissioner Mosby: Yeah, I think we're going to have to have another Executive meeting. When would you be ready for that.

Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mosby: I don't know. I didn't know. Don't matter to me. It was on the gentleman that was here earlier. So, I mean, if you feel comfortable with next Monday, we can do that next Monday.

Brad Ellsworth: That's fine. Sheriff Brad Ellsworth. R.L. Martin, who I think approached before the meeting has written us a letter—

Commissioner Mosby: I'd rather not mention his name, but that's okay. Scratch that from the record.

President Fanello: We have a personnel matter that needs to be discussed.

Brad Ellsworth: Right.

Commissioner Mosby: Yeah, if you're ready next Monday that would be fine.

Brad Ellsworth: That's fine.

Commissioner Mourdock: Will a half hour work, Brad?

Brad Ellsworth: Absolutely.

President Fanello: Okay, so we—

Commissioner Mosby: That's fine.

President Fanello: Okay.

Commissioner Mourdock: I'll move then that we schedule an Executive Session for 5:00 next Monday.

Commissioner Mosby: Second.

President Fanello: So ordered. Kevin, so you'll just need to be here at 5:00.

Brad Ellsworth: I thought the letter, we'd sent the letter to the Commissioners. So, I apologize for that. I thought we had gotten that up here.

President Fanello: I haven't seen anything.

Brad Ellsworth: Okay. On the things to do list. Thank you.

President Fanello: Thank you, Sheriff.

**Old Business**

President Fanello: Okay, any Old Business to bring before the board? I'm trying to think. Do you have any Old Business?

Commissioner Mosby: No, I don't.

President Fanello: Richard?

**New Business**

President Fanello: New Business? Okay. Seeing none, I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: We'll have Rezoning in five minutes.

The meeting was adjourned at 6:26 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Election Office	Circuit Court	Sheriff Department
Burdette Park	VCCC	County Clerk
County Assessor	PTABOA	Prosecutor
Commissioners		

**Travel Requests:**

SWCD	Commissioners	Health Department
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**Requests for Service:**

Superior Court	Pigeon Trustee
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**Commissioners:**

United Consultants: Progress Update for Jail Project.

**Legal Aid:**

Declaration of Surplus Equipment.

**Prosecutor:**

Federal Equitable Sharing Agreements.

**Superior Court:**

Agreement with Clark Field in Conjunction with Project: Start II (Juvenile Accountability Incentive Block Grant).

**County Highway:**

Declaration of Surplus Vehicles.

**Sheriff :**

Weekly Jail and Community Corrections Information Report.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Kevin Winternheimer	Kerry Kamp	Kent Cutchin
Dennis Avery	Cedric Hustace	Phil Lawrence
Dennis Woehler	Alan Teeple	Steve Craig
Ralph Kissinger	Brad Ellsworth	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
April 22, 2002**

The Vanderburgh County Board of Commissioners met in session this 22<sup>nd</sup> day of April, 2002 at 5:35 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Commissioner meeting, April 22<sup>nd</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right is Tammy McKinney, who is walking behind me, who is Superintendent of County Buildings. Our County Attorney, this is his first meeting this year, Kevin Winterheimer; Commissioner Mosby, myself, Commissioner Fanello. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Approval of minutes from April 18<sup>th</sup>.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered. Executive Session minutes.

**Approval of April 22, 2002 Executive Session Summary Minutes**

Commissioner Mourdock: And we need summary minutes for tonight's Executive Session that began at 5:00 and ended at 5:30. Present were the three Commissioners, the County Attorney and the County Auditor. The only issues discussed were county personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**County Attorney: Permission to Open Quotes for VC02-05-01:  
First Avenue Bridge #611 Debris Removal**

President Fanello: Kevin Winterheimer. I need a motion to have him open quotes.

Commissioner Mosby: I make a motion that we have the County Attorney open quotes for First Avenue Bridge.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Steve Meno: Fifth Third Bank**

Steve Meno: Thank you, Commissioners. I appreciate the opportunity to speak to you for a few minutes this evening. I am a CPA and have been doing public financing in Indiana for about 20 years. Over that time I have had a pleasure of working with a good many counties around the state when they are doing infrastructure or building improvements, and I just wanted to briefly introduce myself and let you know that Fifth Third Bank, here in your own community, is very much interested in talking with you about the services of bond underwriting when you are ready to look at that as an issue. To my knowledge, we are the only bank in this local community that offers these types of services. We just recently finished a very large transaction for the Evansville Vanderburgh Public Library, for the new Central Library that was about \$33 million a few months ago, and had very good success and good feedback from the local investor market. You have a lot of people here in the community that want to invest in Evansville and Vanderburgh County, and, hopefully, that will be an opportunity when you are ready to issue bonds also. I think it is very commendable for the Commissioners to get a project like this under way. It is very hard. It is like a train sitting in the station. It is hard to get the momentum and get it going, but you have been very successful getting Council agreement, and the Sheriff, and at least get this started. I know that the last thing you want to do is anything to slow it down. So, I can assure you that by bringing it on board, and the services of underwriting, really where you are at right now is an ideal time to do this. Most Indiana counties realize they are going to pay and need the services of an underwriter to compliment the financial advisor and the bond counsel that you have already retained. The underwriter is really a necessary third ingredient to that team, since they are the ones that are registered and licensed to actually sell the bonds when it comes time to issue those. One thing that I can assure you, from a cost savings standpoint, is that it is usually cheaper to bring in an underwriter early before a lot of these decisions are made, since we are on a daily basis in the investor market and work with bond investors, the rating agencies and we know what they like and what they don't like and what items add to cost and which ones save you money. As a custodian of the taxpayers, I know that you are interested in anything to do that saves money. From a timing standpoint as many of you know, interest rates are very good right now. We are probably 40 or low on the interest rate market, and I am sure that you don't want to miss that. But, if interest rates start going up, having an underwriter already on board expedites getting to the market much quicker, and allows you to lock in the interest rates before they can go higher. It also allows you to do what's called premium bonds. Sometimes if you need to create more construction dollars out of the bonds you are allowed to issue by the State, we can actually create more construction dollars for you when we do something called premium bonds. That is something that a lot of schools like to do and counties as well. But, from a pure cost savings, I would say that by bringing an underwriter on board early, you could probably save at least 33% over what you are probably budgeting right now, by waiting until you actually do a bond sale. There is a lot of reasons for that. I have outlined, and tab A is some of the cost benefits. The pre-sale availability of letting local investors buy the bonds and have access to them, and I think we just saw that with the library issue recently. I can tell you that \$35 million is a lot of money to be absorbed in the Indiana market. There is only a given supply on a given day how much you can absorb. What you are planning is going to appeal to more of a national and regional market as well as local investors. So, all the more reason to give time for a pre-sell. People get out there and tell a story.

You have a wonderful one to tell here of the good dynamics of the community. We had good luck when we brought rating agencies out here to look at the community. They like what they see, and I can tell you that in telling that story to investors is something that I take a lot of pride in by having done this for the school, the county and the library. I previously had a couple of occasions to work for the county when they did projects for the corn meal operation and some bridge bonds several years ago. I listed for you several county projects. I think that I have done 21 counties personally in Indiana, and some other county commissioners and attorneys and auditors if you would like to look at it for references, but I don't want to spend a lot of your time as I know that you have a long agenda but I wanted to get you this information. I hope that you find it interesting and valuable in your planning and know that we would be very much interested in working with you. If you see fit, feel free to talk with Mike Claytor, your financial advisor, and Tom Pittman. We work with them very regularly around the state and I am sure that they can also verify or confirm what we are talking about, and it is helpful to get an underwriter to work with you during the process. I can assure you that if something gets in the way, be it petitions, or state approvals, or something doesn't go the way you want to, you are not going to pay for an underwriter unless you actually do an underwriting. So by having this benefit, it is not going to be a situation of having a cost, and maybe not getting the benefit of that service later on. So, it makes sense to get an underwriter involved early, I guess, is my message. Any questions at all from the Commissioners?

President Fanello: Any questions? Thank you, Steve, we appreciate it.

Steve Meno: I appreciate your time. Thank you very much.

President Fanello: We will get with Mike Claytor and Tom and discuss it.

Steve Meno: Thank you.

**Cedric Hustace: Second and Final Reading of the  
Vacation of the Unnamed Platted Street  
between 8300 and 8216 West Terrace Drive**

President Fanello: Cedric Hustace. Second and Final Reading of the Vacation of the Unnamed Platted Street between 8300 and 8216 West Terrace Drive.

Cedric Hustace: Ladies and gentleman, I represent Howard and Lillian Lamkin and Calvin and Jane Ashley. They are abutting property owners in West Terrace subdivision and between their lots there is a 50' wide platted street, and it's unimproved. There are no utilities on this street. The utilities have all given their consent to the vacation, and the highway engineer has no objection either. I would appreciate it if we could vacate that street. Thank you.

President Fanello: Any comments?

Commissioner Mosby: Any remonstrators present?

President Fanello: Any remonstrators present?

Commissioner Mourdock: No one wishing to speak to this issue? I will move approval on second and final reading for the vacation of the unnamed platted street as requested.

Commissioner Mosby: Second.

President Fanello: So ordered. Thanks.

Commissioner Mourdock: I think we actually need a roll call as this is an ordinance.

President Fanello: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. Next item that we have on the agenda is the Health Department.

<p style="text-align: center;"><b>Health Department: Address Commission Regarding their New Facility</b></p>
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Maria Del Rio: I apologize, but I did not know that you were starting the meeting at 5:30. I came early but the rest of the board members are not here yet. None of us were notified that the meeting was going to start early. One of our board members, Mr. Robert Stayman, is here though. I'm here, as per your request. Ninety days ago you asked us to come back. To give you ninety days to give us an answer as to whether we will be able to make our move or not. I know that our staff has been under a great deal of stress and strain because of the fact that they don't know what is going to happen, and so are our clients. So, I am here to ask for you to give us a final answer, and let us know what's going to happen.

President Fanello: Do either one of you have any comments?

Commissioner Mosby: I don't have any comments. But I would refer to what we discussed in our last space allocation meeting. There is supposed to be a letter going around, and I believe that everyone has a copy of it that is going to be given to every office holder or department head that is going to give us an idea of where we stand and what the office holder or department head or employees see as an interest in developing a five to ten, or what their needs are for us to adequately develop anywhere from a five to ten year plan. So, that is supposed to be going out this week, I believe.

President Fanello: Tomorrow morning.

Commissioner Mosby: That was discussed at the last space allocation meeting. So, referring back to that meeting, I will say that I am still holding my reservations until I see what that brings.

Commissioner Mourdock: My comment, is and I think that the thing in my mind that has gelled in the past ninety days, came about two weeks ago as I sat with the

people in the jail committee, when everyone agreed in that room that for us to build a 484 bed jail was not sufficient to our needs. Which was another way of saying that we need to continue to use the present jail in some manner as a jail, to give us something like 650 or 700 beds. With that being the case, that space remaining committed to the jail, I still see that we need additional space for court rooms and the handling and I think with what the Health Department has done previously as far as trying to find the space that they need with the Mid-West Federal Building, it is something that I feel at this time I can support.

President Fanello: Commissioner Mourdock, I would just like to make a comment on keeping the current facility, jail facility open, since you brought that up. That's really not been voted on by this board as of yet.

Commissioner Mourdock: I understand.

President Fanello: We have, I think you have, and I have, and I know Commissioner Mosby has, we've all asked the jail design team to come back with costs and pros and cons of doing that. I know that they are in the process of putting all those things together, and I am hoping that we have those within the next week, final numbers for us to look at. But, I do think that this survey that we talked about in the space allocation meeting, and that we came up with is very critical, because, as I see it, in the past, past administrations haven't done a lot of long term planning. I really do understand, because I personally took a tour of your facility, and I see the need that you have for additional space. So, I completely understand, but then we also have other departments within the Civic Center who need space. I mean, the courts are just bursting at the seams over there, just as you are. So, it is very critical for me, and I think that just in the interest of prudent planning, good business planning, that we take this step in sending this survey out and assessing all of the needs, and that when we make plans to let departments move out and we reallocate space that we do that in a methodical manner, and that we look at doing the five to ten year plan so at this time I don't think that we should be letting anyone move until that five to ten year plan is assembled.

Mario Del Rio: With all due respect, those are the very same words that you used last October. You asked us to come back in January, when you would have a five or ten year plan. It is stated in the minutes. We came back in January and you asked for 90 more days.

President Fanello: I understand the frustration of waiting, but I don't think that any of us in the, on the County Commission or County Council expected the jail discussions to take so long. Unfortunately, that took a front seat to other priorities around here, and now we are moving forward with the survey. The survey is ready to go out and we are ready to start assessing needs. I am just sorry that it took this long. Just the fact that the jail project in itself has taken a long time. We have been spending a lot of time that I hoped we would not have had to have spent. I thought that we would be a lot further along when we had that discussion in October, but we weren't. So, I am going to proceed with doing this space allocation survey, but I do understand. It would be one of my first priorities to make sure that your needs are taken care of, as soon as we get to that point where I think we can make a good prudent business decision in assessing everyone's needs and allocating space for everyone, that's my thoughts.

Bob Stayman: I am Bob Stayman. I don't mean to beat this issue to death, but I have been here before several times already also, but it just seems to me that we are

offering you a partial, short term fix for a long term problem. Now, I can stand here and wear two hats and tell you that on behalf of the Health Department we desperately need new space, and the important thing to remember is that we can leave, we can leave this campus. Conversely, the Court system, and I talked with Judge Heldt this morning and also Judge Pigman, desperately need office space and they can't leave. So, this is something, this is an issue that is totally unrelated to any other department's space needs or the jail issue. It's a beautiful short term fix, and it makes both the courts happy and the Health Department happy.

President Fanello: And you just said it right there, short term fix. What I look for and I don't think it has been done in the past, and I have said it over and over and I said it over and over when I decided to run for this office, we do not do long term planning in the county.

Bob Stayman: Excuse me, but what I said was a short fix to a long term problem. This can be fixed very shortly, and it will solve a problem that has existed for years now.

President Fanello: Well, I am very comfortable in, you know, I am one person here, but I am very comfortable here, and I understand what kind of restraint you are under, it is the same constraints that the court system is under, and that everyone in the building is under. I really do understand, but I do think that we need to approach it in a business like manner.

Bob Stayman: Well, that is what we have been doing for almost two years now. Can I ask how long this survey is predicted?

President Fanello: We are giving them 30 days to respond, and I would ask that the Commission, once they get it back, I think we need to hold a space allocation meeting once we get all of those surveys back. After the next 30 days, and then decide how we proceed from there. But, I mean it is my every intent, and every goal to move as quickly as possible.

Maria Del Rio: I just wanted to remind you that not only are you hurting the staff of the Health Department, but you are hurting the people of this community and that is a long term plan that has, the Health Department has had for several years. It is not our fault that we have new Commissioners this year. We have been doing this for several years, and we hope that everyone would be, would understand the needs of the community and the needs of the Health Department and not make it a personal project, but a project of the community. These are your constituents, these are our clients and they are suffering.

President Fanello: Dr. Del Rio with all due respect, these aren't personal projects. These are projects that affect every taxpayer in Vanderburgh County. The money that we go out and spend every day to lease space in other areas is money that taxpayers spend every day. So, I think it is incumbent on all three Commissioners, on however they decide to do it, to make sure that we do long term planning, and that we reallocate the space needs for everyone. I know that you are under some extreme conditions down there, just like other departments are in the building, but I think we have tried to help you by giving you extra parking spaces.

Maria Del Rio: We never received the parking spaces.

President Fanello: Okay, I was not aware of that.

Maria Del Rio: They never became a reality. So, we never, we have never had the parking spaces. We keep coming back, and all we get is another promise and another postponement.

President Fanello: Well, as far as I knew, Steve Utlely was taking care of that.

Mario Del Rio: No, we've notified—

President Fanello: This is the first that I have heard that those parking spaces were not taken care of. To my knowledge, our office has not been notified.

Mario Del Rio: No, the parking spaces never became a reality.

President Fanello: Well, then I would ask that the new, whoever the new director is, I believe it is David Rector, the new Building Authority Director, that it be taken care of immediately.

Commissioner Mourdock: It is my understanding that went to the City Clerk's office, because she was the one that handles the parking, that she needed to take care of it. So, I believe, that Steve might have been waiting on her.

President Fanello: Okay, well this is the first that I have heard of it, so we need to follow up with a letter to the City Clerk.

Maria Del Rio: So, when is the next time that you want us to come back then?

David Mosby: I'd say not to put a date on it.

President Fanello: I think that we need to get the surveys back that are due in 30 days, and I would ask that this Commission set a space allocation meeting when we receive those surveys back, and we assess the situation at that time and that will be tomorrow when those will go out.

Maria Del Rio: We really need to be able to tell our employees and the people that we serve at least when we are coming back and when we hope to get an answer instead of leaving it like this. It is demoralizing the staff, it's demoralizing the clients and I don't think it is good for the community. So, I would really appreciate it if you could at least tell us when we can come back and when we can expect, for once, an answer.

Commissioner Mourdock: Let me present a couple dates here because we do have the Memorial holiday coming up. It would appear to me that these ought to be back in our office, if we go with the letter that is prepared, they would be back here during the week of Memorial Day. So, we could schedule the space allocation meeting for June 3<sup>rd</sup>.

President Fanello: And we can do it right before as we don't have any other meetings that night before.

Commissioner Mourdock: That's correct.

President Fanello: Okay.

Commissioner Mourdock: That's right, that's the first Monday of the month.

President Fanello: I would say that we should set one at 4:30 that evening.

Commissioner Mourdock: And then, I do believe, that we can't do planning without putting dates on things. I would say by the 24<sup>th</sup> of June, that we again be prepared to react to whatever we take in, and what we discuss at that space allocation meeting. In other words on the 24<sup>th</sup> if these folks wish to return to us, at that point, that we have some idea as to what we can tell them.

President Fanello: I suggest that we do that and hold another space allocation meeting. Have them come to a space allocation meeting where we can discuss just that issue.

Commissioner Mourdock: Okay on the 24<sup>th</sup>?

President Fanello: Uh-huh.

Commissioner Mourdock: Okay, the 24<sup>th</sup> of June.

Maria Del Rio: Does that mean you want us to come back before you on the 24<sup>th</sup> for an answer?

President Fanello: Well, I would like for us to see where we are with that situation, but, hopefully, we can give you some direction at that point.

Maria Del Rio: So, we can expect some answer on the 24<sup>th</sup>?

President Fanello: I am hoping to give you direction. I am not a foreseer of the future.

Maria Del Rio: The problem is that if you choose not to allow us to move into the building the board has chosen then we have to go back to the drawing board and find another building. By Indiana Code the Board of Health finds the facility for the Health Department. So, it is our responsibility to back and find a facility. So the longer you delay in letting us know where we are, the longer we are in the process of finding a facility.

President Fanello: I understand, Dr. Del Rio. We are doing the best we can, and doing planning. This is nothing personal against the Health Department, and I get from your reaction that you feel like we are singling you out, and we are not singling you out. We are just trying to do the best planning possible to reallocate space around here, because a lot of people are suffering, you know, from space requirement needs, and, especially, the Court's system needs, and they perform a valuable service every day, all day.

Dr. Maria Del Rio: We have your solution, like Mr. Stayman said. The court system wanted our space, we wanted out. This had been a solution for you before, so when we brought the solution, not only did we have a building that was fiscally responsible, because the rent is lower than what we pay here, and it would cost us very little to renovate we also had a tenant for you.

President Fanello: I understand.

Commissioner Mosby: I wish it was as simple as you say.

President Fanello: I know, you make it sound very simple, and it is not that simple.

Dr. Maria Del Rio: Well.

Commissioner Mosby: I am not looking for short term. When I do something it is going to be long term. I don't see that down there for the Courts as a long term solution. That's short term, and then you are going to spend a lot of money doing it. When I start spending community money and taxpayer money I want to be sure that I got a long term solution. I wish it hadn't taken a year and a half to get to the point where we are with the jail. But, I am at the mercy of the County Council, like you're at the mercy of the Commissioners. I go over there every month last year, meeting after meeting, and I am sure that you read the paper, so you can see exactly what was happening. I mean they were playing around, and playing around, and they'd send us back and come back and come back, well, this is a result of all of that. I can't give you an answer until they give me an answer. It is a domino effect. So, you know, when they give me my answers, and we get our problems solved here, and we know where we are building a jail, and we know where we are going, and when we are going, and we are not going to continue to get sued day after day, the taxpayer pays for that. That is one big problem that we have. The Health Department is not the only problem. I am looking at all of these together. I am not looking at them one at a time, and I am not going to piece meal the puzzle. The puzzle will be put together all at once and that is what we are trying to tell you. We will have a space allocation meeting on--

President Fanello: June 3<sup>rd</sup>.

Commissioner Mosby: --June 3<sup>rd</sup>, and then we will try to figure out from there what we get back in our memos. If we have to have another one June 24<sup>th</sup> then that's fine. But for me to sit here and give you an exact day of when I will have an answer, I don't have that answer. I wished I did. I wished I had all the answers last year as to when this jail was gonna be built, where it was gonna be built, how much it was going to cost, who was gonna build it.

Dr. Maria Del Rio: May I ask why the space allocation wasn't done before, prior to this?

Commissioner Mosby: There's a lot of things that weren't done before.

Dr. Maria Del Rio: Because that was, no, you were going to do it last October, because that was the reason that we were coming back in January.

President Fanello: We held several space allocation meetings last year. Yes, we did, I don't remember, I would have to go back and look at the minutes to what you are referring to but you have to understand that our number one priority is to take care of the jail, because we are being sued, and those are substantial lawsuits. Those are liability situations that puts every taxpayer in detriment. So, that was our first priority, and I am not sorry for that.

Dr. Maria Del Rio: But why wasn't the space allocation study, before when you said you were going to do it, that has nothing to do with the jail. You wanted to know about the space in this area, and that is what you want to do now.

President Fanello: Commissioner Mourdock so graciously brought us a survey that he had, I believe, worked on with Steve Utley, and that is what we have been

working on over the past few weeks, and we have made some revisions to it, and it is ready to go out. We are working as fast as we can with all of the other priorities that we are dealing with.

Commissioner Mourdock: Let me try to bring us back to point here. I will formally move that we have a space allocation meeting at 4:30 on May 3<sup>rd</sup>.

President Fanello: June 3<sup>rd</sup>.

Commissioner Mourdock: I'm sorry, thank you, June 3<sup>rd</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: I will also move that we have a space allocation meeting at 4:30 on June 24<sup>th</sup>, and have that for a purpose to provide some direction of the Health Department, as you stated a moment ago.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: May we have permission to advertise those as well?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second

President Fanello: So ordered.

Madelyn Grayson: Counselor Winternheimer, can you provide me with the wording for that ad?

Kevin Winternheimer: Sure.

Madelyn Grayson: Thank you.

Dr. Maria Del Rio: Do you have any other questions for me or any of the other board members?

Commissioner Mourdock: The only question I have is, do we have any reason to think that Mid-West Federal's situation, or the owner of that building, are they looking at this any differently than they were? I know, originally, they put the lease out there thinking that something would be done by now. I assume that the building is still available under the same terms.

Dr. Maria Del Rio: At this time, it is still available under the same terms. Whether it will be available in June, I don't know.

Commissioner Mourdock: I understand.

Dr. Maria Del Rio: But, I would notify you if that became a different issue. Right now, it is still available under the same terms.

Commissioner Mourdock: I would just suggest, at least, that if they don't read it in the paper, that you otherwise make them aware of the two meetings that we have just talked about.

Dr. Maria Del Rio: Alright.

Commissioner Mourdock: So that they know they are not totally discounted at this point.

Dr. Maria Del Rio: Thank you.

President Fanello: Thank you, Dr. Del Rio.

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

President Fanello: Yes.

**(Tape Changed)**

Kevin Winternheimer: Ready with the tape?

Madelyn Grayson: Yes, it's ready.

Kevin Winternheimer: The first bid I have is from Koberstein Trucking, Inc. of Princeton and their price is \$3,900. The next quote is from CCC of Evansville, Inc., their price \$4,177. The next one is from Deig Brothers Lumber & Construction Company, their price \$4,300. And the last one is from Southwest Engineering, Inc., and their price is \$6,200. And that's all I have.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commission Mosby: Second.

President Fanello: So ordered.

<p style="text-align: center;"><b>Second &amp; Final Reading of the Joint County/City MBE/WBE Utilization Board Ordinance</b></p>
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President Fanello: And the next item on the agenda is the second and final reading of the Joint County/City MBE/WBE Utilization Board Ordinance.

Commissioner Mourdock: Is anyone present to discuss that?

Kevin Winternheimer: Do you want to me to take that one, give you an overview? Is that what –

President Fanello: I think we've – is anybody –

Kevin Winternheimer: Have you already done that?

President Fanello: We've already done that, I think, unless anybody has any questions.

Commissioner Mourdock: And seeing no one in the audience wishing to comment about the MBE/WBE Ordinance, I would move on the final reading, approval.

Commission Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And again, it's an ordinance.

Commission Mosby: You've got to have a roll call.

President Fanello: Yes, roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commission Mosby: Yes.

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

<p style="text-align: center;"><b>Permission to Advertise RFQ for Preparation of Computer Services Outsourcing RFP</b></p>
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President Fanello: The next item on the agenda is permission to advertise RFQ for preparation of Computer Services outsourcing RFP. And just to give you a little brief update on this, the Mayor and I met last week, and had a very productive brain-storming session. And we both believe the route, and I think it's probably the feel of the Data Board also – not making any presumptions, but just going off what I've heard – that it's very advantageous for us to seek out someone to write the RFP for Computer Services outsourcing, which that contract, it does expire next June. And I believe, and Alan Teeple is in the audience, I believe before that expiration, if we were to hire someone else, I think you need three months to do a transition plan, is that correct? That's correct, he's saying. If you want to just briefly state what kind of notice you need.

Alan Teeple: What the contract states is by 1 March, now of 2003. I am to deliver to you and to the Data Board, a transition plan so we would need to know prior to that if someone else was selected.

President Fanello: Okay.

Commissioner Mourdock: What is the difference between the original that we had in the packet, and just before the meeting started, we got a revised.

President Fanello: There was a – not a data change, but I think a couple of dates got left off of the original on the second –

Commissioner Mourdock: Okay, so there's nothing substantive?

President Fanello: No, nothing substantive, just date changes and we – RFQ was in a sentence when it should have been RFP. So basically, we're seeking

qualifications for someone who could write this RFP, which is a very big undertaking and it probably should take the rest of the year for this person to do that. But the Mayor and I did sit down and we came up with the dates that you see in the RFQ. He was comfortable with those and I was comfortable. So, if this board is comfortable, I'm presenting it to you tonight for approval.

Commissioner Mourdock: Okay. I'll move approval of the issuance of the RFQ.

Commission Mosby: Second.

President Fanello: So ordered.

<b>Award of Handicap Transportation Bid</b>
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President Fanello: Next item is award of handicap transportation bid. Tammy went ahead and put together a spread sheet of the information we received. I don't know, had everyone had time to look at that? Did anyone have any comments or questions?

Commissioner Mourdock: Did, I guess, the only comment, did Phil look at this as well? Phil Lawrence or –

President Fanello: That's a good... Tammy, did you talk to Phil Lawrence? Because Tammy basically reviewed it, and put together the spread sheet, and I looked at it last Friday and told her to go ahead and put it in everyone's packet and put it on the agenda, because it seemed – Tri-State Transportation is ASAP, correct? They changed their –

Tammy McKinney: Right.

President Fanello: Okay. And I believe we are all aware of the situations we've had and if we're looking at the cost on here, it seems, I mean just looking at the estimated monthly cost, that AMR has the lowest cost.

Commissioner Mourdock: And again, I just want to make sure that we don't have somebody in here arguing with us next week. Are we sure that this has been reviewed to be fully responsive as well –

President Fanello: We can take a week and have Phil review it and make sure that Kevin has had a chance to review it.

Commissioner Mourdock: Yeah, I'd feel better if we did that. So I would move we defer this one week for review by Mr. Winterheimer.

Commission Mosby: Second.

President Fanello: So ordered.

<b>Sheriff - Motor Vehicle Inspection Ordinance</b>
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President Fanello: Sheriff - Motor Vehicle Inspection Ordinance.

Eric Williams: Eric Williams, Chief Deputy Sheriff's Office. I believe you've got a copy of our request in front of you. I'd be happy to answer questions if it's...

Commissioner Mourdock: I guess the only question I have, you want us to repeal the ordinance that otherwise is charging the fee?

Eric Williams: Correct. The statute that enables us, as an agency, to charge a five dollar fee to residents for doing what we can VIN checks, as a may statute, and it hinges on the fact whether or not your county has an ordinance authorizing it. Our time studies and cost studies, it would be more prudent for us to do it for free to the community for what we got out of the five dollars.

Commissioner Mourdock: As a may statute, do we actually have to repeal it? In other words, can you do those and not charge for them and have the same effect?

Eric Williams: The State Board of Accounts indicated that if there is an ordinance on the books, then we were required to charge it.

Commissioner Mourdock: Even though the may language is there versus –

Eric Williams: The may statute says that a county may, if the county passes an ordinance authorizing it, and our county does have in place an ordinance so authorizing it, so it's our request that we repeal that ordinance in its entirety.

Commissioner Mourdock: Okay.

Eric Williams: That would allow us to perform the service for free to the community at roughly no cost to us. It wouldn't save us any money, but it wouldn't be a problem for us either.

Commissioner Mourdock: And what's the basis for making the recommendation that the citizens of Vanderburgh County living outside the Evansville corporate limits would get those inspections free. In other words, those in the city don't get them free, and those in the county would get them free?

Eric Williams: Well, if a citizen of the city wanted to come to our command post we would do it for free. But we respond to calls for service to those citizens that live outside the city limits. It's my understanding that the city of Evansville, you come to the city police headquarters to have those done. Our policy is that we go to the location when you call us. So those residents out in the county, which are within our normal patrol jurisdictions, a motor patrol deputy would make that call and perform the VIN check.

Commissioner Mourdock: So is the city currently doing inspections under basically a shadow ordinance or parallel ordinance?

Eric Williams: I don't know what their ordinance is, but it says that a law enforcement agency, with permission – so I would assume that there is an ordinance in place for them to do the same. The state police currently doesn't charge for it. The problem we keep running in to is the fact that the State Board of Accounts will only allow us to have two receipt books for this process, but that makes it very difficult to schedule those when I've got six motor patrol people out in the field. I can only pick and choose, these two can go do this function as

opposed to if there was no requirement to get a receipt, I did it for free. Whoever the district car is could handle that. That's where a lot of the cost comes in is scheduling who goes where and when and forcing us to move our manpower around while trying to provide service to the community. We could, obviously, just say you have to come to the command post, for us to do this, but it works out really well for us just to be able to stop by the house where the vehicle is right there, they don't have to move it. Those kinds of things. And the check is only required when the resident purchases a used vehicle from an out of state sales dealer or person. That's the only time the driver's branch requires that it be done.

Commissioner Mourdock: Okay, and even with that happening now, you're only getting the two to three thousand dollars per year?

Eric Williams: Yeah, I think this year we got just under \$2,000.

Commissioner Mourdock: Okay, and those are the results of somebody buying one from outside, largely.

Eric Williams: Right.

Commissioner Mourdock: Okay. I don't recall that I've been involved with the repealing of an ordinance here.

Kevin Winternheimer: You repeal an ordinance with another ordinance.

Commissioner Mourdock: Yeah, okay, so we do need to start that whole process?

Kevin Winternheimer: If that's the Commission's desire, if that's your vote, then I would start that process to get that filed (Inaudible). If that's what you want.

Commission Mosby: I would make that motion to have Kevin start an ordinance to repeal the present ordinance that we have, 10.08.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Eric Williams: Thank you.

<b>Any Group or Individual Wishing to Address the Board</b>
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President Fanello: Is there any other group or individual wishing to address the Board?

Larry Kremer: I would. My name is Larry Kremer. I live on Mt. Pleasant Road. I addressed this board, I think last month and raised issues with the upgrading of Mt. Pleasant. I had not at that time talked to the neighbors along Mt. Pleasant. I have since talked to over 20 neighbors who live on that road, and as of right now, we haven't found any of the neighbors who feel that this upgrade is warranted. In fact, there are a number of them that think it would pose a definite safety hazard because of the speeds that will increase. I have a meeting with John Stoll Monday afternoon. I had to cancel the meeting that I had scheduled last Friday,

unfortunately, so we will meet with him, we will continue to talk among the neighbors. I wanted to make sure that this board had this issue before it so it didn't lose sight of it. We'll continue to talk and meet with John, and I suspect it will come back to this board sometime in the very near future with further discussion.

Commissioner Mourdock: And just so you know, Mr. Kremer, we did talk about this two weeks ago, I think, or three weeks ago and looked at it from the point of view of if we did something different, what would the engineering, the revised engineering cost be. John sent us a letter this week, which I don't have at my fingertips, but I think it totals about \$68,000.

President Fanello: I think it was 83 to be exact.

Commissioner Mourdock: Okay.

Larry Kremer: Revised engineering cost to re-study the road?

Commissioner Mourdock: Yeah, if in fact, we did something other than doing the full, basically a three lane plan with a turn lane narrowing it down to just being an improved wider two lane.

Larry Kremer: That certainly would cut the overall cost of the project down if you didn't go to three lanes, I would assume.

Commissioner Mourdock: I'll look to John for –

Larry Kremer: Well, we'll meet with John on Monday. Several of us plan to do so and –

Commissioner Mourdock: The point is, I want you to know we are considering it and we talked about it at the meeting here.

Larry Kremer: Thank you very much.

President Fanello: Thank you. Is there any other group or individual wishing to address the board?

Tom Hare: My name is Tom Hare and I live on the corner of Old State and Mt. Pleasant, the southwest corner, on the corner that's supposed to be widened. I've watched traffic on that corner for ten years and it hasn't shown me that it's that awful busy. It could handle quite a bit more. It seems like a waste of taxpayers' money to the tune of over two million dollars when other things go wanting for funds. Most people that live on Mt. Pleasant have not been informed that they will be losing a lot of land and do not know that a three-lane road has been proposed. A road is more likely found in commercial areas such as shopping malls and industrial areas. We live in a very residential neighborhood. I was told I would lose 11 trees, many that I planted myself 10 years ago, many that are 24' from the proposed pavement. They would be replaced with little trees that might not live. Thank you.

President Fanello: Thank you. Any other group or individual wishing to address the board?

Harold Gourley: President Fanello, Commissioner Mourdock, Commissioner Mosby, I'm Harold Gourley, my wife, Joyce. We live on the northwest corner of Mt. Pleasant and Old State. We've been there at least 40 years. I think the (Inaudible) and some of the other families, but the (Inaudible) and they're 50 and 60. And we're proud of our neighborhood and the togetherness and we're coming together and trying to protect the integrity of our neighborhood and our community, and I have reviewed the March 18<sup>th</sup> minutes, which you referred to. I've also reviewed the April the 8<sup>th</sup> meeting, and I was pleased, Commissioner Mosby, saying that you would like to familiarize yourself with the area, community, so you would have a better feel for it. I've talked with Mrs. Fanello about the same thing and other government officials have been out and taken a look at it. So we don't want it to be a surprise for anyone. But after doing those things, reviewing the minutes, I became aware that we were just in the purchasing phase of it now, no deeds have been done and no purchases have been made. So at that stage of the project, I felt as though it was open for discussion, and that's why my neighbors, several are here, and are appearing before you to thank you for your openness and willingness to take another look at this, and with a normalized two lane, and do we need all those turn lanes on Mt. Pleasant and Old State Road. And, of course, the fact back in '67 when they did the Old State project – there might be some gentlemen in here (Inaudible), I don't know, but I believe yielded property on both the east and west side of Old State and seems to be working pretty well. It's farther on down the road, Dead Man's Curve and other places where we'd have the accidents, not there. But what I want to emphasize with the Commissioners, if I may, is that we're certainly, all of us, for road improvements, proper maintenance, there's drainage problems, open ditches, those kinds of things. Of course, it's a responsibility for the neighborhoods, the communities, and this Commission to pay attention to those needs. And we would hope that you would continue to extend us the courtesy in dealing with this that you have at this point. I would like to also emphasize at this time that the speaker here today, we have talked as Mr. Kremer indicated, I don't know, about 20 of the 22 people who have properties involved in this and we're of a very strong consensus that we may be doing some things that we don't have the statistics to support what we are using county money for. As I read this, I don't see any signs of federal money involved. I don't see any indications that state money is involved, so it is a local thing, local government representing all the people, taking a look at us just like they took a look at the Fulton situation where only 4,000 square feet, a sliver of land the paper alluded to, was delayed and put aside just one individual. Our families, for example, over 6,000 square feet is involved, on Old State Road both sides, plus over 200' going down the north side of Mt. Pleasant. So the main thing, like I say, it's not one person, one individual, it's all the families who are involved. And as I read about all these expenditures and so forth and having been in education for 45 years and I see where they're closing down facilities for children that need our help, they floating bonds for libraries, floating bonds for new jails, etcetera, etcetera, I hope you take in consideration, it was alluded to here, might save some of the tax money by not doing some things that statistics at this time does not dictate that it is necessary.

Commissioner Mourdock: I mentioned to Mr. Kremer, I mean that's why we had John get a first look to get back to us with what those engineering costs would be and we need to continue to pursue it from there. But we understand the message that all of you have given. I know I've been out there and I suspect the other two Commissioners have as well, to see, as you've talked to me on the phone about where the stakes are. It's not easy to visualize what we would have now.

Harold Gourley: Right, I've had some phone conversations with John, but I haven't had him on the property yet, but if you could get there and look through there and see 11 big trees, four of them over 200 years old, an old landmark school where some of these generations attended before the new Highland. I don't mean to be emotional about this, but let's use common sense. Thank you very much.

President Fanello: Thank you. Is there any other group or individual wishing to address the board? Go ahead.

Frederick Castle: My name is Frederick Castle. I live at 8801 Old State Road, just down the street from Dr. Gourley. I'd like to re-emphasize a couple of things that he said. If you really want to do things for public safety, you need to look at what he called Dead Man's Curve, that's where it drops and turns at the same time on Old State Road. The other thing I think you honestly need to do is address re-paving Mt. Pleasant. It is a mess. And I understand why you perhaps have withheld work on that because of contemplating this project. I don't believe it's needed. I think traffic flows just as well. Thank you.

President Fanello: Thank you. And while – if the board would allow me – while Mr. Elder is still here, we had a question or I have a question. On the board appointment in our consent items for Dr. Heidingsfelder, I'm not sure what we're supposed to do on that because he wasn't listed as our board appointment.

Sam Elder: I tell you. This is not a board appointment. It's the reappointment of the Health Officer.

President Fanello: Ah. Okay, okay. That's fine. That clears it up. I was confused. Thank you.

Madelyn Grayson: May we make another tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: You don't have to stay if you don't want to. That was just my question, because I wasn't sure if we had the right names down for our board appointments, so, but you cleared it up. It's the health officer, so, thank you. We'll take care of it.

Sam Elder: Thank you.

Commissioner Mosby: Thank you.

Ralph Kissinger: Ralph Kissinger, County Highway. Just a response to Mr. Castle? I think that's right. The last two years I've had all intentions of paving, but the engineering's been under the works. We didn't want to waste the money on the road. We've been trying to patch it and get by until the engineering...if I can get an answer either way, I would be glad to go out and take care of the road, but I have been trying to patch it and keep it the best I could.

President Fanello: Thank you, Ralph.

Frederick Castle: We understand that, and we appreciate it. (Inaudible. Not at mike.) You are going to spend more money on the whole thing. I understand that too.

President Fanello: Is there any other group or individual wishing to address the board at this time, before we move department head reports?

Dave Whitmer: My name is Dave Whitmer. I live on Mt. Pleasant also. I have a question, if I may ask the Commission here, and that is where does this project actually stand? Is it a project that is already gone to vote and it's now in the procurement stage of property? Or are you back really only gathering information, a decision will be made sometime in the future?

Commissioner Mourdock: Why don't we have John Stoll come up and he can give that quick review.

President Fanello: Uh-huh.

John Stoll: Sorry, but I couldn't hear his question.

Commissioner Mourdock: He was asking what is exactly the status of the project at this point?

John Stoll: The design was complete, and the appraisal work is on-going. That's one of the reasons why the cost is so high to do the redesign, because the appraisers had been out there evaluating costs of all the parcels that would be acquired.

Commissioner Mourdock: I think the unspoken part of Mr. Whitmer's question is, if things proceeded without interruption, at this point, not suggesting that they will, but if they would, what would the bid date be? And when would construction be?

John Stoll: I would say that it wouldn't go out for bid any sooner than the end of this year. Construction wouldn't take more than a year, so by the end of 2003, if we were on the current schedule, it should be completed.

Commissioner Mourdock: Okay.

Dave Whitmer: Respectfully, I have one more question.

President Fanello: Uh-huh.

Dave Whitmer: That is, apparently, we are proceeding here in a certain direction. How can we as people who are directly affected change that direction?

Commissioner Mourdock: By doing what you're doing right now.

President Fanello: Yeah, I mean, that's why we've directed—

Dave Whitmer: How often do I have to be here? And how loud do I have to yell? With all due respect, sir.

Commissioner Mourdock: Yeah. I don't know how to answer that one. Obviously, you all have got our attention. There are several things, in my mind, that are lining up here. One is, number one, the nature of the neighborhood. Number two, is the traffic count really going to justify this in the near term? In other words, and I don't know the answer to this, but do the EUTS, what the EUTS traffic counts show, and how all that comes into play with this. Third, the point that I think Dr. Gourley made, which is given the overall budget constraints the county is working under at this time, is this something we want to go ahead and try to get bid, at this point? I mean, if, in fact, we want to do it, is it something we can afford to do right now? So, those are the three things that are going through my mind.

Dave Whitmer: So, the project can be changed at this point in time?

Commissioner Mourdock: Right, this is not the immovable force—

Dave Whitmer: It's not a done deal.

Commissioner Mourdock: —and irresistible object. That's right. It's not a done deal. It's not put out to bid for construction, or anything like that. Right-of-way still needs to be acquired, correct?

John Stoll: Right. We haven't purchased any right-of-way, as of yet.

Commissioner Mourdock: Yeah, so.

Dave Whitmer: Thank you.

President Fanello: You've got time. Thank you.

John Stoll: To clarify that, we haven't purchased any additional right-of-way. The subdivisions, when they were constructed, did provide some right-of-way dedications, and that's being used for the project, as it's currently designed.

President Fanello: Okay. You might want...any other group or individual?

Kenneth Matthews: My name is Kenneth Matthews. I live just two houses from the intersection of Old State Road and Mt. Pleasant Road, and I just want to say that I concur with what the other people have said here today. I wonder, will we be given a progress report, as to what's being discussed, and how the decision, what decisions are being made concerning this? Will there be a way that we will know, or will we just find out that it's been decided?

Commissioner Mosby: You can leave your name with the Superintendent of Buildings, and we can inform you through either the Engineer's office or our office of how we are proceeding.

Kenneth Matthews: Okay.

Commissioner Mosby: Or if there is going to be any type of meetings held, or whatever that you would be interested in. We meet here every Monday night, so.

President Fanello: I would probably suggest that since we've had so much citizen involvement on this project that once we decide to make a final decision on it, that

we just make it an Action Item on the agenda, so that everyone knows that it's on the agenda.

Commissioner Mourdock: Uh-huh. That's a good idea.

Kenneth Matthews: Thank you.

President Fanello: So you'll know. Thank you. Any other group or individual? Seeing none, I'll move on to department head reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: First I've got a Notice to Bidders for contract VC02-05-03, Repair and Repaving of Various Roads. This is for the resurfacing of Old Boonville Highway, Telephone Road and Old State Road between Campbell and Baseline.

Commissioner Mourdock: Between where and Baseline?

John Stoll: Campbell.

President Fanello: Campbell.

Commissioner Mourdock: Oh, okay.

Madelyn Grayson: We need permission to advertise that?

John Stoll: Yes.

Commissioner Mourdock: I'll move the advertising and Notice to Bidders?

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The next item I've got is a request for authorization to make an offer on parcel number 39, Oil and Industrial Services, on the University Parkway Project. This is for an amount of \$34,800.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The third item I've got is a recommendation to award contract number VC02-03-01, Replacement of Heppler Road Bridge #830 to CCC of Evansville, for the amount of \$220,144.35. This bid did have a math error in it. This is the corrected amount, which is actually about \$16 cheaper than what was read in the record last week, but it did not affect who the low bidder was.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to get a purchase order to hire Koberstein Trucking, Incorporated for project number VC02-05-01, the First Avenue Bridge Debris Removal. That's the one that the quotes were opened on this evening. It's just a single lump sum bid, so there was no math to check. It's an easy one. It's in the amount of \$3,900.

Commissioner Mourdock: That's your recommendation that we go with them as the low and responsive bidder?

John Stoll: Yes.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The final item I've got is a street plan approval request for Section One of Fawn Creek. (Inaudible. Stepped away from mike.) This is, Fawn Creek Subdivision, is located north of Ashley Place Subdivision up off of the north end of Eickhoff Road. The area highlighted in orange is Section One of the subdivision. What they will be doing is, they will be extending Alyssum Drive and Ashley Place to connect to this Section One. A future section will involve the extension of Eickhoff Road, but this section does not. I've reviewed the street plans, and would request that they be approved. One thing the developer had to do in order to meet some concerns of mine on that subdivision is, the lots up in this area, lots 28, 27 and 51, 52 (Inaudible. Stepped away from mike.) the crest of the hill here....there is a crest of a hill in this area, and they've put covenants and restrictions that require the driveways to be on the north property line. So, that way the site distance, they will be as far away from the crest as possible. So, there won't be a blind driveway coming out onto the road at that point. So, it's requested that the street plans be granted approval.

Commissioner Mourdock: And that's for Fawn Creek Estates?

John Stoll: Section One.

Commissioner Mourdock: Section One. So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

Commissioner Mourdock: I have one, John and Ralph, kind of double dip here. Would you check, John, to see if Knob Hill Road, do you know where that is? Out by the airport.

John Stoll: Yeah.

Commissioner Mourdock: Has that been fully accepted by the county? I thought we'd discussed it at one point, and I didn't think it had been, but I had a neighbor out there tell me, or a resident out there tell me it was.

John Stoll: I believe it all has been.

Commissioner Mourdock: Okay. Well, then the second point, Ralph, will come to you. You might verify that, but, apparently, we've got a culvert somewhere near 2600 Knob Hill, that is plugged. With all the rain we've had, apparently, water is backing up and coming over the street, and, obviously, the culvert is not working. So, if you could check and see if we could—

Ralph Kissinger: (Inaudible. Not at mike.)

Commissioner Mourdock: Yeah. Clean out that culvert.

Ralph Kissinger: Sure thing.

Commissioner Mourdock: Thank you.

<b>Ralph Kissinger: County Highway</b>
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President Fanello: County Highway.

Ralph Kissinger: That's me. Ralph Kissinger, County Highway. I had a property owner on Little Schmuck Road call me this morning at approximately 11:30. He had a complaint. I'm going to get something passed out here. It's an opinion that was given to my office and John Stoll's office back in the year 2000. I've got to get another copy for—

Commissioner Mosby: Here, I've got two of them.

Ralph Kissinger: Oh, okay, that's the one. I'll give one to the Auditor when I finish. Little Schmuck Road, there's a resident out there that does not want us to maintain this road any longer, but the other residents do. It's caused a bad conflict. I got a call today, the gentleman in question is putting posts down the road now, and he's wanting to put a cable on each side of the road, and he says he's going to block the right-of-way.

Commissioner Mourdock: Let me interrupt you for a second, Ralph. Kevin, I don't know if you know, we are in litigation with this particular case.

Kevin Winternheimer: Oh, no, I did not know that.

Ralph Kissinger: I did not know that either.

Commissioner Mourdock: Okay, and for that reason, do we need to be discussing this? Is this something we ought to save for Executive Session.

Kevin Winternheimer: (Inaudible. Mike not on.)

Ralph Kissinger: Okay, then I'll stop right where I am on that.

Commissioner Mourdock: Okay.

Ralph Kissinger: That's why I didn't mention names, because I did not--

Commissioner Mourdock: Yeah, this thing's been going on for a while, but I understand the post situation just started this morning.

Ralph Kissinger: Well, the one thing I do want to bring up, and if I need to stop, stop me. I think this is causing a very big chance for liability here on our part.

Commissioner Mourdock: Okay.

Ralph Kissinger: That's what I'm concerned with. That if someone gets hurt because of what's being done out there, we still do, as far as I know, have the road under our trouble.

Commissioner Mourdock: Okay. Let me do this by way of a motion, since this thing does have a bit of an urgent nature to it. I would move that we direct the County Attorney to research this immediately, and take whatever legal actions may be required. Or notify the board members, individually, during the next week. If we need to do something by way of an Executive Session next week, so be it. I don't want to give away a position here, obviously, in a public meeting.

Ralph Kissinger: Certainly. I don't want to do that.

Commissioner Mourdock: Sure.

John Stoll: I was going to say too, in regard to that law suit, I met with Phil Hayes and Shaun Sullivan and the two attorneys representing the other parties in this law suit. So, if you need me to be involved in any of that, Kevin, just let me know, because--

Kevin Winternheimer: Okay. I was going to say, if you could call me in the morning and give me the latest update on what's happening out there.

Ralph Kissinger: Certainly.

Kevin Winternheimer: Then we'll go from there.

Ralph Kissinger: Certainly. Other than my reports, I only have one other thing to ask the Commissioners tonight. We have been leasing year by year a semi tractor trailer. It's costing upwards of \$12,000 a year for a lease. We do it on about an eight and a half month basis to haul the paver, the rower. We've got our own trailer, but we have no semi tractor. I've been looking around, and several of the companies have what they call factory reconditioned. They are used trucks, but they've gone through and dyno tuned the engines. They've checked everything out

on them. For what we're paying in lease for two years, we could actually buy this. I don't see any reason why this thing couldn't last 10, 12 years with very minimal maintenance. I didn't know what the policy was on used vehicles of that sort. What kind of avenues I needed to take, because it is low enough where we could, according to the (Inaudible) I got, we could do it on quotes. I wanted to get some kind of guidelines from the Commission on that, because I wasn't sure. I've not tried to purchase any used vehicles in the past.

Kevin Winternheimer: Do you have an estimated price? Or a round number.

Ralph Kissinger: Yeah, the estimated price is \$25,900. That's the neighborhood. There's three different companies that have got them in that neighborhood.

Kevin Winternheimer: The...I'm trying to keep remembering to turn that on. If this is something that could wait until next meeting, there are some exceptions to some of the bidding laws and special purchasing that I want to see if...this is all new to me. To see if what he is doing would fit into one of those categories, and then the board can make a decision under which procedure you want to proceed. Do you want to bid it out? Or go maybe, if it's available, one of the exceptions. I don't have an answer for you now until I get some more of the particulars.

Ralph Kissinger: That's why I came here. I don't have the answers either.

Commissioner Mourdock: Very professionally done, Kevin. I'll move that we defer that one one week.

Ralph Kissinger: Thank you. Other than my reports, that's all I have. If you have any questions on my reports. Oh, we started paving today also. Seven Hills Road.

Commissioner Mourdock: Spring has arrived.

Ralph Kissinger: Spring has arrived, yes.

President Fanello: I need a second on Commissioner Mourdock's motion.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Kevin Winternheimer: County Attorney**

President Fanello: County Attorney. Did you have anything that you wanted to add, Kevin.

Kevin Winternheimer: No. First day, so far, so good. That's all I have to report.

President Fanello: Thank you.

Commissioner Mourdock: You haven't quit yet, but the meetings not over either, and we've still got Drainage Board.

President Fanello: Alright, thank you, Kevin.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent of County Buildings.

Tammy McKinney: I want to ask the Commissioners to approve a lease agreement with the Evansville Police Department for a suite over at the Old Courthouse.

President Fanello: Kevin has reviewed this agreement whenever he was a City Attorney, so it has been reviewed.

Commissioner Mosby: Does that mean Kevin wrote it.

Kevin Winterheimer: No, actually, I was told that it was your form, and we couldn't change it from the city side. It was take it or leave it.

Commissioner Mosby: I thought you wrote it for the city, and now he wants to change it.

President Fanello: That's what I asked him this morning when I saw him.

Commissioner Mosby: I would—

Commissioner Mourdock: Let me just say one thing. Tammy and I were speaking of this just before the meeting here. When, oh, I think it was probably the second or third month when you all had come on board, and not knowing what we were going to do in the longer term with the Old Courthouse. We did set the limit that we not have any leases out there more than three years. So, we're now into the, effectively, a term that ought to say these leases ought not be going more than two years, because our idea was to have kind of a fire wall out there, so that if we are going to do something with the Old Courthouse, we have the option to do that. Realizing this is government, as Tammy pointed out to me, I suspect these people would be a little bit more malleable, should we change, malleable meaning you can beat them into any shape you want to. If we wanted to change something later, we probably can, but I do want to make that point again, I think we need to keep every option open for the Old Courthouse. I won't be on this board, but I think whoever is on this board, needs to have some date certain that we can say we are going to have this place available to do other things. So, having said that, David, you were about to make a motion. I thought.

Commissioner Mosby: No, I was going to make a motion to add it to the Consent Items.

Commissioner Mourdock: Oh, okay.

Commissioner Mosby: If that's what we want to do.

Commissioner Mourdock: Okay, well, I'll second that we add it to the Consents.

President Fanello: And I'll say so ordered. Just to build on what you said just a second ago, Richard, I think, you know, by budget time this year, I think we need to do some serious talking with the Council and come up with a long term plan of

how we want to use this building. I'm still number one all for using it for government office space.

Commissioner Mourdock: Same here. I just want to make sure, again, that with city government, county government, I mean, I don't care how we do it, but we need to keep our options open, so that if we get a bunch of commercial folks in there, especially, where we might not have the flexibility to have that magic date ahead of us. I think we need to be careful of that.

President Fanello: I agree. I just, as budget time approaches, I think we need to be thinking about how we want to present to the Council, or what we want to present to the Council.

Commissioner Mourdock: Okay.

President Fanello: And so, I said so ordered, so it's added to the Consent Items. And Burdette, anything else from the Superintendent? I'm sorry. Okay.

**Steve Craig: Burdette Park**

President Fanello: I have Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. We're having a pre-bid meeting on the Discovery Lodge at 10:00 tomorrow morning at the site. I would like to welcome everyone there.

President Fanello: I'm sorry, what time did you say? 10:00?

Steve Craig: 10:00. I would have gave you more advance notice, except I found out this morning.

President Fanello: That's okay. Are there any other questions for Steve?

Steve Craig: Thank you.

President Fanello: Thank you.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have in our packets, Soil and Water Conservation District report and the Ozone Officer's report. I move they be accepted into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: Do I have any questions about Consent Items? Or changes?

Suzanne Crouch: Yes, President Fanello, we did receive an amendment to a grant agreement, the Substance Abuse Grant Agreement. It does not require Commissioner signature, but they had asked if we could submit it for this meeting for approval.

President Fanello: Alright, so could I have a motion to accept.

Commissioner Mosby: Motion to accept..

Commissioner Mourdock: Second.

President Fanello: So ordered. Now, does everyone accept Consent Items?

Commissioner Mourdock: With those two additions, I would move approval of the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

### Scheduled Meetings

President Fanello: Scheduled meetings. Any questions on scheduled meetings?

Commissioner Mourdock: We already have done the two for the space allocation, so.

### Old Business

President Fanello: Old Business.

Commissioner Mourdock: Only bit of Old Business, just to clarify, for the record. Last week when we were signing some documents, we had amendment two and amendment three to the United Consulting Agreement. United two, apparently, correction, amendment two was apparently in there, although, it was acted on by this board back in November. At that time, I did not second, nor vote to approve, and I erroneously signed it last week when it came through–

President Fanello: Okay.

Commissioner Mourdock: –so I just wish to make that part of the record, that my signature ought not to have been on amendment two.

President Fanello: Okay.

Commissioner Mourdock: However, my signature should have been on amendment three in last week's, and it was. My point of all this, is we need to be careful with those documents. I think what happened is that the documents weren't in our packets prior to the meeting. So, we need to make sure we get documents in the packet prior to the meeting.

President Fanello: I agree. Thank you. Any other Old Business? Which, Richard, I think everyone has their copy of the soil boring report from Alt & Witzig, so.

Commissioner Mourdock: Yeah, I'll take a look at that this week.

President Fanello: Okay.

Commissioner Mourdock: I know you met, or you were scheduled to meet with the jail group.

President Fanello: I met with them last Tuesday.

Commissioner Mourdock: Any update.

President Fanello: Basically, they kind of went over, just kind of going over all the design issues, where to put showers and toilets, basically. Not real exciting news, but still trying to work on getting operation costs, and what we talked about using the current 268 bed facility, along with the new facility. Also working on just any other costs that we might see with operations. So, they are hoping to get us some final numbers within the next week. So, I'm hoping by the end of the week we'll have those.

Commissioner Mourdock: They are meeting again this week?

President Fanello: Yes.

Commissioner Mourdock: In Indianapolis?

President Fanello: In Indianapolis. Yes. So, any other questions on Old Business?

<b>New Business</b>
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President Fanello: New Business.

Commissioner Mourdock: Motion to adjourn.

President Fanello: Do you have anything?

Commissioner Mosby: Well, under New Business I'm going to...we were talking about the jail a minute ago, and I didn't think it would be Old Business, so I'm going to bring it up under New Business. I did have a chance to look over the book that we got on the soil borings. I would like to go ahead and make a motion to have the County Attorney go ahead and start the paperwork for vacation of Ninth Street from Main to Locust. I don't want to vacate from Sycamore over to Main, but I would like to start the paperwork on vacation of Ninth Street from just Main to Locust. I say that, and, Richard, I know you haven't had a chance to read it, or, Commissioner, but as you look through here, you are going to find out that the soil borings on the parking lot over here in the courts would require taking out 20' of soil. They are saying that it would have to be disposed of at a land fill. So, we're probably talking \$40 a ton out and \$12 back in. They are saying the soil is very unstable. So, you'll read it in here.

Commissioner Mourdock: I will read it, and as Catherine and I were joking before the meeting started. I'm probably the only person in this building, as someone with a Masters Degree in Geology, who will enjoy reading this report. I look forward to reading it. So, I'm, certainly, not going to partake of a second to that motion before I read what's in this report.

President Fanello: I think, just to build on what you said, after talking with Paul Summers and Mark Shireman, I think, they said if we did that, and I don't know if they had the same discussion with you, it would also affect the building structurally. Would weaken the structure if we did that in the courts parking lot. Was that the same—

Commissioner Mosby: We talked about a lot of things—

President Fanello: To make sure I understood it correctly, but that was the idea that I got from them, so.

Commissioner Mosby: I got the main idea that it's going to be very expensive is the main thing I gathered out of a lot of it. If they are going to take 20' out of there, and that was the recommendation in this book. Like I said, not going into a lot of depth.

Commissioner Mourdock: No pun intended.

Commissioner Mosby: Yeah, no pun intended. You're right, but it just, and they showed me, I don't have the background that you have. It was interesting to me just to see some of this, and them explain some of it to me. Evidently, that is some very weak soil. They were finding a lot of traces of bricks and stuff, which they told me could just be, could have been an old, open basement at one time, and everything got pushed in. They said you really don't know what was there.

Commissioner Mourdock: Yeah, and I made the comment prior, in fact, as part of the discussion we had before we hired these people, that I'd always heard there was a lot of fill in both these areas. So, that doesn't necessarily surprise me, but I do want to read that report.

Commissioner Mosby: Alright then. That would be my motion that I think we need to proceed back here with the vacation of Ninth Street, and I would make that motion so that time is of the essence.

President Fanello: Well, why don't we, would it be acceptable if we gave Richard a week to review this, and then we come back and have this on for discussion on Monday. Because I think we do need to proceed in getting the site secured, because our bond counsel is not going to be able to go very much further if we don't get a site secured here pretty soon. So, time is of the essence.

Commissioner Mourdock: I would appreciate that. I would like to be able to read the report before we take any action.

President Fanello: Uh-huh. Well, why don't we defer it for one week, and put it on as an action item.

Commissioner Mourdock: Thank you.

President Fanello: Okay. Are there any other New Business?

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:49 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

The Centre	Burdette Park	County Engineer
Election Office	Treasurer	Knight Assessor

**Travel Request:**

Treasurer	Health Department	Knight Assessor
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**Request for Service:** Computer Services

**Commissioners:**

United Consultants-Jail Update (Verbal Report by President Fanello)

**Auditor:**

Pass Through of Drug Court Grant Award.  
Pass Through of Local Health Maintenance Fund Grant Application.  
Pass Through of Substance Abuse Program Fund Grant Amendment.

**Sheriff:**

Declaration of Surplus Vehicles.  
Weekly Jail and Community Corrections Information Report.

**Health Department:**

Re-Appointment of John A. Heidingsfelder, MD to as Local Health Officer.

**County Assessor:** Declaration of Surplus Computer Equipment.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Steve Meno	Cedric Hustace
Maria Del Rio	Bob Stayman	Sam Elder
Eric Williams	Larry Kremer	Tom Hare
Harold Gourley	Frederick Castle	Ralph Kissinger
Dave Whitmer	John Stoll	Kenneth Matthews
Steve Craig	Others Unidentified	Members of Media

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, Teri Lukeman and  
BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
April 29, 2002**

The Vanderburgh County Board of Commissioners met in session this 29<sup>th</sup> day of April, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order the Board of Commissioner meeting, April 29<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby; myself, Commissioner Fanello. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the minutes from April 22<sup>nd</sup>?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Kevin Winternheimer: Open Quotes for VC02-05-02:  
Boonville-New Harmony Road Culvert # 191: Removal & Replacement**

President Fanello: Kevin, you need to open quotes for Boonville-New Harmony Road Culvert #191, Removal and Replacement.

Kevin Winternheimer: Yes. Are there any bids in the audience on the either of the projects today? Or items? Seeing none.

Commissioner Mosby: (Microphone off.) Motion to approve opening of the minutes. (Turned mike on.) Motion to approve opening the minutes.

Commissioner Mourdock: I thought that's what I heard you say. I was still pondering it. Was the motion to open the bids?

Commissioner Mosby: Or, yes, to open the bids.

Commissioner Mourdock: Okay. Second.

President Fanello: So ordered.

Kevin Winternheimer: If I may go ahead and open them individually, one at a time.

President Fanello: We are going to let Kevin open them and read them into the record right now.

Kevin Winternheimer: The first bid is from CCC of Evansville, Inc. I'm just going to read totals. It's an itemized bid. The total quoted price is \$21,329.85. The next bid is submitted by Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total quoted price, \$24,738. The last bid on this project is from Koberstein Trucking, Inc. of Princeton. Their total price appears to be \$25,205. That's all the bids we have on that project.

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

Commissioner Mosby: Motion to take the bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

<b>Kevin Winternheimer: Open Bids for O'Day Discovery Lodge</b>
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President Fanello: Next item, open bids for O'Day Discovery Lodge.

Kevin Winternheimer: First bid is submitted by Deig Brothers Lumber and Construction Company, Inc. Their price is, make sure I get it right. Okay, \$2,595,460. On the alternates, alternate number one is an addition of \$44,000. Number two is an add of \$50,360. Alternate number three they've written in zero. Alternate number four, \$14,096. Alternate number five, \$29,600, and alternate number six is a no bid. The next bid is submitted by Empire Contractors, Inc. of Evansville. The offer price is \$2,416,900. Alternate number one, add of \$36,600. Alternate number two, an add of \$49,300. Number three, it says not available. Number four, an add of \$12,900. Number five, an add of \$15,800, and number six is a no bid. The last bid is from Arc Construction Company, Inc. of Evansville. Their initial offer of bid is, \$2,112,000. Alternate number one is an add of \$13,920. Number two, is an add of \$80,350. Number three said, they have written red cedar is included. Alternate number four, an add of \$9,900. Number five, an add of \$23,500, and number six is a no bid. That's all the bids we have.

President Fanello: Motion to take under advisement?

Commissioner Mourdock: Before we do that, I just want to know who all will be reviewing those? Kevin, obviously, you need to review them for their completeness, as far as filling out the bid form. Steve will look at them. John Stoll, is he going to be involved? Are we going to have the Advisory Board look at them? As far as looking at the alternates and all that, Steve, have you got a plan in mind?

Steve Craig: (Inaudible. Not at mike.) We were going to go over with Morley and Associates and John Stoll. We could take it by the Advisory Board, but that would be on May 15<sup>th</sup> at their next meeting, if we did.

Commissioner Mourdock: Okay. You're not, it's not your intent to wait that long to try to get back, or?

Steve Craig: No, we didn't intend on going through the Advisory Board with them.

Commissioner Mourdock: Okay. Okay. Well, with that understanding, motion to go ahead and take under advisement, so those folks can review them.

Commissioner Mosby: Second.

President Fanello: So ordered. I would like to sit down and go over them with you also, Steve.

<p><b>Tim Van Cleave: Permission to Advertise: VC17-2002: Computer Replacement &amp; Upgrade</b></p>
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President Fanello: Next item is Tim Van Cleave, permission to advertise computer replacement and upgrade.

Tim Van Cleave: Good evening. Tim Van Cleave with Computer Services, or should I say Phil Lawrence with Purchasing. I'm actually here in his stead this evening to submit the permission to advertise for the VC17-2002. The advertisement dates are May 3<sup>rd</sup> and May 10<sup>th</sup>, with an opening date of Monday, May the 20<sup>th</sup>.

President Fanello: Do I have any questions? I'm assuming that Council, I mean, the reason we're sending these bids out, is that Council is seriously taking a look at either buying or leasing, or are we looking at both options here?

Tim Van Cleave: Yes, we are.

President Fanello: Okay.

Tim Van Cleave: Because of the looking at both options, we did have to move from a technical terminology of a bid to a request for proposals, because the funding is not in place for a lump sum purchase—

President Fanello: Uh-huh.

Tim Van Cleave: —during the present fiscal year. So, therefore, we cannot go to a formal bid, but I have been instructed that a award can be made from the RFP, if desired.

President Fanello: Is that okay with you, Kevin?

Kevin Winternheimer: Well, I don't know how to turn this thing on. If it's on or off, but any event, how are the vendors going to know what you need? I assume there are certain specifications, aren't there? And certain minimal requirements?

Tim Van Cleave: Yes, that is filled out.

Kevin Winternheimer: Then we'll be, basically, subject to taking the cheapest one that meets the minimal requirements. You're okay with that?

Tim Van Cleave: As well as they are also responsive and responsible.

Kevin Winternheimer: Okay, if they're financially able and capable of meeting, producing the product you desire, then they are going to be responsible. Are there going to be, or responsive. If they meet your minimal requirements, then they are

going to be responsive, so, are you okay with that? You see what I'm saying? You can't ask for proposals for a car, and then somebody bids a Pinto and somebody bids a Cadillac, and say, well, we want the Cadillac because it's nicer. If the minimal requirement is it be car, an object that is self-propelled and four wheels, do you understand what I'm saying?

Tim Van Cleave: Right. We've attempted to put-

Kevin Winternheimer: What you can, what you can do, if you're not sure what kind of products are out there, you can ask for proposals, find out what's out there, and then turn around and bid that, once you've set the minimum specifications.

Tim Van Cleave: Right.

Kevin Winternheimer: Or is that what you're doing?

Tim Van Cleave: Well, we have requested the RFP with the option to award from the RFP, but, as you've indicated, if we do need to better refine that, so that we didn't get apples to apples, we then can go into a bid process.

Kevin Winternheimer: I guess, I'm okay with it since the Commission will have to, finally, say yes, and you can take a look at what comes in, but keep in mind, if the specs specify, you know, require no more than a Pinto, you may be stuck with taking a Pinto or rebidding it, and rebidding it is always an option.

President Fanello: Thank you, Kevin. Do I have a motion to allow advertising?

Commissioner Mourdock: I'll so move.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Tim, will ACS be placing that ad?

Tim Van Cleave: No. I'm here instead of Purchasing, because Mr. Lawrence is on vacation, I believe.

Madelyn Grayson: So, Purchasing will be placing it?

Tim Van Cleave: This is actually, I'm here representing Purchasing this evening.

Madelyn Grayson: Thank you.

Commissioner Mourdock: Just for the record, Madelyn, that was listed on the thing from Phil, so it's in the file. It had two items.

**Roger Lehman: GIS Update**

President Fanello: Okay, item E has been moved to May 13<sup>th</sup>, so that will take place in a couple of weeks.

**Kevin Winternheimer: Permission to Advertise Public Hearing  
of Impacted Drainage Area**

President Fanello: Next item is permission to advertise public hearing of impacted drainage area.

Kevin Winternheimer: This is a matter you discussed last week. We would like to put it in an ordinance and advertise it. Asking you permission to do so.

Commissioner Mourdock: I would so move. We've done one of these out in the northern part of the county, and I think it's been very helpful from the development point of view. I think the projected area here that Bill Jeffers has put together also needs this type of planning, so I'll move the advertisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Kevin, is the copy and the dates in the packets, are those okay for the advertising?

Kevin Winternheimer: Yes. I'll take a look at it again, but I believe you can send them on in.

Madelyn Grayson: Okay. Thank you.

**Steve Craig: Permission to Award VC9903-2002:  
Burdette Park Food & Beverage Bid**

President Fanello: Next item, Steve Craig permission to award VC9903-2002, Burdette Food Bid.

Steve Craig: I would like to request that we award the food bid as marked on the sheets that was given to you.

President Fanello: Are there any questions?

Commissioner Mourdock: None from me, and I would note that Phil Lawrence has reviewed them, and acquired the written document he's given us as well. He's requesting permission to formally make the award as submitted to us, so I would move that award.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Steve.

**Award of Elderly/Handicap Transportation Bid**

President Fanello: Next item is the award of handicap transportation bid. Phil did have a chance to look at this from last week, and concurs that AMR is the, should be the recommendation.

Commissioner Mourdock: And in his note, and I don't have it in front of me, but he did make the comment about the quality of the service they've provided too, which had been a problem in the past. So, I would move approval.

Commissioner Mosby: Second.

President Fanello: So ordered. So, we will need to pursue getting a contract from them. Tammy, if you could go ahead and get in touch with them and get a draft, and then we can get it to Kevin.

#### **Discussion of Soil Report and Site Location for Jail**

President Fanello: Next item is discussion of soil report and site location for jail. I think everybody's probably had a chance to look over the soil report, and so I'll just leave it up to discussion.

Commissioner Mourdock: Yeah. Point of discussion that I would make, having read through it in quite a bit of length and detail, I don't see anything in that that truly should surprise us. Before we commissioned that, we thought there was fill out there on both sites, and there is fill on both sites. Dennis Au stopped me in the hallway to say in doing some research next to the old, or next to the current courts building, there used to be a Cook's Brewery, so I'm surprised, that honestly, there isn't more debris there than what there is. The only spot where there was a very large amount, I think it was 21' of fill, is immediately adjacent to the current courts building, and that might well have been part of the construction of that building, because it's also right where the sewer run is, where they were digging down for their excavation and serves that building. So, I have a hunch, that was undercut at the time. I guess, a logical question here is how do we handle this? I know last week, David, when you brought this up you were making the motion, or wanting to make a motion that we start to vacate Ninth Street. I think the two aren't, necessarily, related. I mean, we can have either discussion, I don't see that the two are necessarily related. I did note in the geo-technical report, and I don't know where they got the direction, but at least they were looking at a possible tunnel there from a site across in the back 40, if they connect to the courts building. They were talking about a tunnel there. Certainly, nothing in the geo-technical report that would preclude doing that. So, all that having been said, how do we handle this?

Commissioner Mosby: I'm not exactly sure what we do. I did make the motion last week to start the process for vacation of Ninth Street. I guess, that discussion has led me to believe some other things, and I would probably wait a week before I would make a motion, or I could probably support a motion to start vacation of Ninth Street, but I want to look into a couple of other things. Last week after it was reported in the newspaper that the soil back here was not fit for a jail, which, I think, a lot of people misinterpreted. I know Channel 25 come out and talked to me the next day, and said where I see that the back 13.7 is not suitable. I said, no, that's not true. I said, the back 13.7 is suitable, the courts parking lot is undesirable. I even had conversation with Les Shively. Of course, Les, mentioned it on his show Thursday night that the back 13.7 was undesirable. I said, no, I said, that's what the newspaper reported. I said, that's not true. I had a meeting with him Saturday, since that was reported I have had probably four or five people contact me, offering me some different sites and some prices. One of them you might be real familiar with, St. Joe and Mohr Road. A guy called me—

Commissioner Mourdock: St. Joe and Mohr Road.

Commissioner Mosby: Yeah, our drainage project.

Commissioner Mourdock: Oh.

Commissioner Mosby: He called me, and he said, you know, if they don't build that, he said, this is for sale, and I can offer you up to 77 acres. There was a price there. I've been offered the Builders Square out on the Lloyd Expressway recently. I've been offered a site on Diefenbach Road. Of course, we know a couple of other sites that are still available, Builders Square on Kentucky and (Inaudible). I guess, what I'm doing is I'm talking to these people, and I'm getting prices from them, and I'm also looking to see what utilities are available at all these sites. Some of them not having all the utilities that we will need. Some of them having buildings on them that we would have to demolition, and then I would probably try to want to get an estimated cost of what demolition. None of them are as cheap as we've been told, probably. Than have been reported, but, I guess, in all that I want to see over the next week, I've got two or three people that's supposed to bring some answers back to me, and it's just caught my curiosity to do this. Not that I want to take this out and put it in anybody's back yard, but, you know, I guess, that could become the fact. I read a letter from the Mayor this afternoon that states he is not going to be supportive of, and in favor of us vacating Ninth Street. Which I had two or three conversations with him, and I hope that he might keep an open mind, and realize how much money he could save the taxpayer here if he'd do that. All these things involved, I'm not going to say that I'm voting for the back 13.7 tonight. If we want to start proceedings to vacate Ninth Street, I know there's a lot of paperwork that needs to be done by our counsel, and I would probably support that, but I would want another week to finish out some conversations which I had started before I would determine if this is my site.

Commissioner Mourdock: Well, coming back, specifically, to the report, and I'm convinced you read the newspaper too thoroughly and watch too much TV.

Commissioner Mosby: Yeah, they had the wrong date on there today. They put Tuesday, April 29<sup>th</sup>. It's Monday.

Commissioner Mourdock: From the geo-technical point of view as far as this report, there is nothing in this report that would preclude from building a jail in either one of those two locations. Now, any problem, obviously, can be solved with money when it comes to the construction business. One alternative may be less expensive than the other, but I think the key thing from this report is that either of those locations would require removal of fill that is there, but could be built upon. As far as possibly looking at other locations, I don't recall which one of us made the motion and which one of us seconded, us meaning you and me, David—

Commissioner Mosby: Uh-huh.

Commissioner Mourdock: —but I know at one point we agreed on having it located here at the Civic Center. I still feel strongly that's the best place for it to be, and I would still like to see us continue to work with United to see which of these two sites can offer us the best. Your comment about Russ Lloyd's letter, and I got the letter a moment ago, I skimmed it, I cannot say I've read it, but while he's anxious to maintain the direction laid out by the most recent Master Plan, that's his argument for not wanting to shut down Ninth, he also lists the possibility, or mentions the

possibility of having a walkway go across, as we're now doing down the street here. As I said, in this report, there is a possibility of a tunnel. So, I think you could still use either of those sites without, ultimately, having to close Ninth Street on a permanent basis. Although, obviously, there would have to be a temporary vacation regardless of which site. It would have to be temporarily shut down.

Commissioner Mosby: And I would note, I know there's been a cross over built down the street here, but, I mean, we're not taking prisoners back and forth. That's my main concern that, you know, when we build this, and that's why I would like to see it hooked to the courts building, you know, and I did read some things in here about the tunnel, and I would have to ask the gentlemen that do this for a living or refer to you, but I seen where they said it could incur some costs. Depending on what utilities are back there underneath the ground, that they are either going to have to go through, over, above or under. I guess, and I honor the Sheriff and his Chief Deputy in their wish that we not have a tunnel, or an over walk. So, I look at all that combined, and, basically, the way I see it, I mean, if we were going to honor this wish, and we weren't going to hook it to the courts, I don't see anything less than us more or less...if it's going to be stand alone in the back 40, it possibly could be stand alone somewhere else in a green field. Because if we're going to incur the transportation costs that the Sheriff and them are talking about, and there's going to have to be some manpower hired, and that's going to be an on-going cost for the next 25 years to the taxpayers of this community. That's where my main concern comes in that we are going to pick up that tab forever. When, my personal opinion, and I didn't write the Master Plan, but this street, I've sat back here and watched traffic now for a couple of weeks, and there is, basically, not any traffic on that street unless it's going into that back 13.7, or it's coming out and going over here. I did discuss with the Mayor that we could leave Locust open and come around down Main, if he's looking for that direction of the circle or so, per se, as Indianapolis has, or whatever. So, I don't think closing Ninth Street is going to be as detrimental as the experts they've paid to write this have said.

President Fanello: Okay, now I'll give you my comments. I think we need...Bernardin and Lochmueller, if I understand it, their site survey will be back by May 14<sup>th</sup>. Is that correct, Matt? Okay. Matt Wannemuehler, is that correct? He's in the audience from Bernardin Lochmueller. So, I think we'll have, you know, even more information at that time to make an educated decision about this site. My personal opinion is that if we cannot connect it to this building, I would prefer going to a green field site, because, I mean, I have real reservations about putting another project on the taxpayer, such as a parking garage. If we make it a stand alone facility in the back 40, that definitely means we have to build a parking garage, no doubt about it. If we can have Ninth Street vacated, and the new facility connected to the courts building, with the estimates of parking needed that we received from United, that would preclude us from having to build a parking garage. So, and, I mean, I guess, once we get the site survey back, you know, we can make a final decision, but our guys at United are getting pretty close to a point where they can't move forward, you know, unless we give them some direction of what the firm site is, so.

Commissioner Mourdock: I trust you read in this, as well as I did, that there is nothing in this that precludes a tunnel from connecting.

President Fanello: No, but I—

Commissioner Mourdock: I know there are concerns about that.

President Fanello: There are concerns about that, and I think it's going to be an added cost. I think the courts parking lot, and I am no geologist, or geo-technical expert, so, but just from reading the report, I gathered that the courts parking lot may be a little more expensive than where we're looking at on Ninth Street and the back 40. That's just with the issues involved. I believe a skywalk and a tunnel is going to add, you know, obviously, a large additional cost that we may not need to incur. So, right now, I'm trying to look at what I think is the most efficient use of our dollars, and efficient use of the Sheriff's staff, and our budget in general. To me, that is a connection to this building. I don't know that I could really support a stand alone facility in the back 40.

Commissioner Mourdock: The geologist will respond to one point. As far as over here in the courts parking lot, again, there is nothing there that would preclude having it built there, in this report. There would be some costs in removing some material, but you are going to have that no matter where you put it in either of these locations, or presumably about anywhere else. If you put it there, then you also don't have to worry about either the tunnel or the overpass, and you don't have to do the parking garage.

President Fanello: I think I would have to refer to Matt to answer this question, but, I mean, it seems to me, just from reading the report that the big difference here would be the number of stories we would be building on this site versus what we would be building back here. I don't know how that would affect the service. Did you—

Matt Wannemuehler: Matt Wannemuehler with Bernardin Lochmueller. I guess, there is two different aspects you have to look at. The cost of excavating the material, and putting it back in. Then also with this site back here, which you won't have in the parking lot, is securing the, and I think it was mentioned in the report, securing of the existing building foundation. So, you don't have any damage to those. Naturally, the only—

Commissioner Mourdock: What do you mean, Matt, by securing the existing building? Do you mean as you build next to the courts building, doing something with that foundation?

Matt Wannemuehler: Putting proper supports against the foundation so the excavation wouldn't disturb the existing building foundation.

Commissioner Mourdock: Yeah, the foundation of the courts building.

Matt Wannemuehler: That's correct. That's correct, yeah. That would be an additional expense in that site versus the other site.

President Fanello: Thank you, Matt. I'm just looking at, you know, how we can keep our costs down on this project and not wanting to spend anymore than we, obviously, have to, so. I would say that we all need to set a goal at this table to have some firm decisions about the site, you know, within the next two or three weeks here. Especially, as we get the report back from Bernardin.

Commissioner Mourdock: Matt, you said that report would be to us when?

Matt Wannemuehler: No later than the 14<sup>th</sup>.

Commissioner Mourdock: Okay.

President Fanello: May 14<sup>th</sup>.

Matt Wannemuehler: We're hoping sooner.

President Fanello: Thank you, Matt. Are there any other comments or questions?

Commissioner Mosby: I really don't have any comments, I mean, I could, I see a lot of expense if we have to go into cutting 20' beneath the existing surface. I guess, that's the only thing I worry about is, you know, 20' of fill going out, and 20' of fill coming back in. Then, and I still think that if we build in the courts parking lot, we're going to have to build a four or five story building, I'm not sure what, and my understanding is the indirect security is more expensive than the direct security. So, I'm wondering what that would add to manpower. Once again, an on-going cost forever that we would incur. Then the possibility of adding on to this thing in the future, you know, how many more stories would this building hold? If we were looking at that, trying to expand to 1,000, and going up, across, or whatever, so.

Commissioner Mourdock: All those costs, I mean, those are valid questions, but it's always six of one and half a dozen of the other. Yes, if you had to take out 20' all the way through, then, gee whiz, you could end up with a basement in that building, just as the report recommends or suggests, I shouldn't say recommends, just like you have in this building, which would give you more space at relatively less cost in that basement. So, and if you take it somewhere else, what costs you may have there in capital you are going to, again, eat up in transportation, over some period of time. As you said a moment ago, that too takes more people. So, that's why, you know, I keep waiting to see a full break down from the architects. As far as, so we've got something, ultimately, to vote on. Choice A, choice B, or choice C.

President Fanello: I'm not sure what you mean by that breakdown. They've provided us with quite a bit of information.

Commissioner Mourdock: No, no, no. I mean, if we put it out here in this format versus if we do it in the courts parking lot versus if we do it even in the 13.7. I'm not just talking about one component, because this is bigger than one component. That's why it's so tough to get a handle on, and this is tough. I mean, anyway you can look at these costs, and I'm not just arguing to be argumentative, though you may think I am, but I want us to make sure the long term interest, and I am concerned about something off site being a lot of long term costs.

Commissioner Mosby: I'm very concerned about the off-site, and I stated that back six months ago.

Commissioner Mourdock: Yeah, I know.

Commissioner Mosby: Since, and I've read some of the editorials that have been written in the newspaper—

Commissioner Mourdock: There you go reading the paper again.

Commissioner Mosby: Well, you've got to reconsider and reconsider, but it was a lot of curiosity last week, I guess, that caught my ear as people were calling and saying, you know, if that's inadequate, come see me. I've got some land, so. I'm just kind

of exploring them options, and their report's not due back until May 14<sup>th</sup>, so it's just something that has caught my ear.

President Fanello: Okay. If there is no other discussion, we'll move on to any group or individual wishing to address the board. I don't see anyone at this point, so we'll move on to Department Head Reports, County Engineer.

Madelyn Grayson: May we make a tape change real quick?

**(Tape Changed)**

<b>County Engineer</b>
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John Stoll: First I've got a change order on the Fulton Avenue Bridge Project. This is the end of the change orders in regard to the corrections made to the north pier, and the construction of the retaining wall. This is for an increase of \$62,008.86. This is due to the meeting that was held between Bernardin Lochmueller, INDOT, the contractor and I at, up in Vincennes a few weeks ago. These were costs that INDOT determined were eligible for reimbursement that Bernardin Lochmueller's inspector didn't, initially, think were eligible for reimbursement. So, therefore, that's what initiated the need for this change order, and it's requested that this be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: I also need to request to go to County Council to appropriate the county's share of that change order, which would be half of it. So, I need an appropriation of \$31,0005.

Commissioner Mourdock: I'll move approval of the Council call.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Second, I've got another change order. This is on the Lynch Road/ I-164 Project. The signal pole foundations were inadvertently left out of the original contract. The net increase of the cost of those signal foundations is \$8,498.24. On this project the county's share is 20%. So, our 20% local match would be \$1,699.65. Here again, it's requested this change order be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I have change orders on the Burkhardt Project. These, the first one is for changes for the water line relocation. This is for an amount of \$17,018.25. It's

requested this be approved, but this would all be reimbursed through the agreement we have with the Water Department, where they are responsible for reimbursing us all water line relocation costs. So, we'll have some up front, out of pocket money, but, in the end, they will be reimbursing us for all of this.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The second change order I have on that project, it's requested this one be rejected. This is for asphalt patching used on the road cuts that have been made out there on the pipe installations. Basically, the maintenance traffic line item on that project calls for the contractor to maintain those road cuts, and he was doing so with rock. While the asphalt would make a more permanent patch, he was responsible for all the other costs, so this wasn't a cost that really the county should be undertaking. So, it's requested that this one be rejected.

Commissioner Mourdock: So, is he making the argument that by patching with rock that was sufficient to meet the contract, John?

John Stoll: It was sufficient, but it was taking him a lot of manpower to go out--

Commissioner Mourdock: Yeah, but his argument was, I'm trying to understand his side. He's simply saying, he put the rock down, that's all the contract really required.

John Stoll: Correct. The benefit for the asphalt was two things; one, it did make a more permanent patch that they didn't have to go out there and maintain daily. It made for a better surface for the traveling public. Likewise, it's an expense that, through the maintenance traffic line item, the contractor was responsible for. This is, in effect, going to result in a cost savings to him, so the reasoning was why should we be paying for his convenience?

Commissioner Mourdock: Have we, in your memory, ever had a contract like this where temporary patching of the cuts was specifically designated as simply being placing of rock?

John Stoll: Typically, yes, it has. They've, typically, put asphalt millings in as well. That's what they did in previous phases of Burkhardt. There again, they had routine, daily costs. They send their crews out there to continuously patch the road.

Commissioner Mourdock: It's been our routine custom that patching doesn't just mean filling it back with rock, but filling it in with some sort of mix?

John Stoll: Well, that's all they have to do is just make it passable. It's has to be passable in the sense that there aren't potholes everywhere. So,--

Commissioner Mourdock: Are we inconsistent?

John Stoll: --I guess, from our perspective, the patching with the rock met the specs, but it had to be maintained properly. Maintaining it properly was the headache for the contractor, because he had to go out and send his crews out there. They were having to go twice a day to keep the cuts passable. Yeah, Ralph had had some call

ins over the weekend too, in regard to that, and nights as well. So, I'm not going to say that there's no benefit for the county, as far as seeing it, making it passable, but overall it's just a matter of—

Commissioner Mourdock: I just want to make sure we're being consistent here, and we're not going to have some contractor, I don't know who it is, and you don't even need to tell me, but have some contractor come back and say you won't give me this change order, and yet, clearly, I'm doing what I've always done. Or you're asking for something beyond the norm.

John Stoll: If we ask for something else, I mean, we would have to spell it out in the contract documents.

Commissioner Mourdock: Alright. I'll move that we deny the request for the change order.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I've got copies of the preliminary Jobe's Lane Water and Sewer Report from Clark Dietz. They've come up with four different options, and the costs on these range from \$440,000 to \$480,000. Gravity sewer can work out there, but one of the problems they run into is the width of the road is so narrow, and the sewer has to go deep enough that it, basically, wipes out the entire road to do so. Since it's a one lane road, there is some maintenance traffic issues there. So, one of their proposals was that while they're making this large excavation, that they just cut the road down, and, basically, widen the road bed to make it more of a passable two lane road. They've also got some questions in there regarding how we acquire the easements and things like that, because there will be a need for easement and right-of-way dedication on this. How that would all be resolved, I don't know, but their costs don't include purchasing that, that's just, the \$440,000 to \$480,000 just covers water and sewer and pavement. So, you can review those, and if you've got any questions, let me know, and if necessary, I can have Mike Feltz with Clark Dietz come in and discuss it further.

President Fanello: Thank you, John.

Commissioner Mosby: Have you looked at that out there to see what easements it shows at all?

John Stoll: They're basically not finding much of anything. If I remember right, the easements, basically, stop where the road narrows down to the single lane road. There are some dedications up at the very north end of Jobe's Lane, but, I believe, those run to the west, rather than north south. So, they are not finding much of anything. One of the locations that they are proposing to put the sewer, it's actually to pick up those northern most properties, they would need some easements east west perpendicular to the road.

Commissioner Mosby: Did they talk to anybody out there to see if they were willing to donate easements?

John Stoll: The only person that I know I've talked to with Mike was Dave Schroeder. As far as talking to all the involved parties, I don't believe they have. I know I haven't.

Commissioner Mosby: I didn't know, when they was doing this if they might have had a chance.

Commissioner Mourdock: Would all of the involved parties otherwise be a benefactor to this?

John Stoll: Yeah, they would have access to the sewer. I'm not sure how that plays into all the law suits that are involved in this, because the health issues created by all the failed septic, and these people would benefit by having sewer out there, but I don't know of anyway to force them to give us an easement.

Commissioner Mosby: I don't think we can force them, but-

Commissioner Mourdock: But.

Commissioner Mosby: -well, the day I was out there with the Judge, I mean, I talked to several of the parties involved, and, I mean, it seemed like they were pretty much willing to cooperate in most ways, I would say. Not all ways, but most ways.

Commissioner Mourdock: I would certainly hope if they are going to be seeing an increase in property values, and this health risk is otherwise mitigated, I would think they would be more than happy to sign over right-of-ways for this, but people can be funny. So can Commissioners.

John Stoll: The other issue too, if the road was widened to make it passable for two way traffic, they would also see a benefit in that way too. So, it can be sold to them on both of those.

Commissioner Mosby: I mean, I believe anybody that's been on this road, anything is an improvement. When you've got water that's not drinkable, and, I mean, it would be a big improvement for the whole area. I think we could probably talk to them.

John Stoll: Hopefully, they would dedicate it and just, like Richard said, hopefully, anybody that's not cooperative, that they are not in the middle of the run, that they are at the tail end of it, and don't cause a problem for the whole project. I haven't spoken to any of the people in regard to the grants on whether or not the pavement issues would be eligible for funding, but, hopefully, those would be as well.

Commissioner Mosby: We could always get Ralph to pave it.

John Stoll: The only other item I've got is, that I would like to request to have Pat Seib continue working in my office over the Summer, working part time. I would like to request to transfer \$2,000 into the extra help line item to keep him there working daily through August.

Commissioner Mosby: I'll make the motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's all I have.

President Fanello: Thanks, John.

John Stoll: Thanks.

Commissioner Mosby: Thank you.

President Fanello: County Highway.

Commissioner Mourdock: I have a question for John before you get away, and maybe this falls under your bailiwick too, Ralph. I was speaking with the Mayor of Vincennes the other day, and he told me that a railroad that we often have difficulty with, on their crossings is sending in a big team, and they are, basically, going to shut down over the Memorial Day weekend and redo all of the crossings in Vincennes, and fix them and smooth them out. He thought he had heard that they were also going to be coming down this way. I hadn't heard that. Have you heard anything?

John Stoll: Not a word.

Ralph Kissinger: I don't think it's Pioneer who we're having problems with.

Commissioner Mourdock: I'm thinking of—

John Stoll: It's CSX.

Commissioner Mourdock: Yes, choke, stall and extort, as it's otherwise known.

John Stoll: I haven't heard anything about that. We can try and find out. I'm not sure, exactly, who the contact person would be, but we could—

Ralph Kissinger: I've got his number in my office.

Commissioner Mourdock: Yeah, I was just absolutely flabbergasted. As much problem as we've had with CSX over the past, when he told me they were doing it, I think he said 36 different crossings up there in Vincennes, in Knox County. They are coming in, like I said, over Memorial Day. They've got a crew of 30 people, and I guess they are putting them all up at Executive Inn up there, so.

Ralph Kissinger: (Inaudible. Not at mike.) information, or I can call myself, and try to find out who (Inaudible. Not at mike.)

Commissioner Mourdock: Yeah, I would, you know, take a priority look at the CSX crossings. See which one's we most badly need to have fixed. I think we've still got a few that are in pretty bad shape with CSX, right?

John Stoll: Yeah. The worst one is still, like Ralph said, on that Pioneer railway running up Maryland, St. Joe and Boonville-New Harmony.

Commissioner Mourdock: Yeah.

John Stoll: Those are the worst, but CSX–

Commissioner Mourdock: You might even call the City Engineer up in Vincennes. Maybe see who their contact is up there, and let's see, while they're doing it, if we could do something down here.

Ralph Kissinger: (Inaudible. Not at mike.) But I've got the number for the local man in charge.

**Ralph Kissinger: County Highway**

Ralph Kissinger: Ralph Kissinger, County Highway. Mr. Mourdock, you asked me last week to check on a Knob Hill drainage problem. I went out there, and the road runs east to west, the road winds around through there. The north side of the road, there is some ditching that could probably alleviate some of the problems. The properties on the south side of the road, most of their drives go down into their properties, off the road. What I saw was, some of the drainage is coming down, and there's one driveway where, it looks like it's coming across the road. I mean, I think that's the problem. It's on the top of the hill toward the 2500, 2600 area there.

Commissioner Mourdock: Uh-huh.

Ralph Kissinger: I think we'll probably make some people mad, but I think it would probably alleviate some of the problem to get the water running down instead of over the ditch line.

Commissioner Mourdock: Is there just the one pipe out of there?

Ralph Kissinger: There, actually, they're supposed to be open ditches, but part of them have been covered. Some have just been filled in. Some of the drive culverts just have very little actual exposure. They are silted in, over the years. What I could do is open those ditches on both sides, make a gradual slope, so they could still be mowed, but try to blow those out with a flush truck, and see if we can help somewhat there.

Commissioner Mourdock: Yeah. Why don't you do that, and I would say give a call to whoever was–

Ralph Kissinger: The next thing I was going to suggest before I start, I want to make sure with the Engineer that I do have enough right-of-way out there, because that can get touchy, in that neighborhood especially. We've had problems before. Other than that, the only thing I had was last week we took under advisement, the County Attorney called me about the purchase of a used semi truck. From what I understood, what Kevin told me, Mr. Winterheimer, was there are exceptions to the bidding process. The actual price of a new vehicle was \$70,400 and some change. This is what they call a factory recondition. It's got a year's warranty on it. It's got, it's been through checks and it's got, the engine has been dyno tuned to make sure there's no, you know, major internal problems. The stipulation I got was that since a new vehicle is so much more than this one, we're saving money, and it can be done without the bidding process, is the way I understood it. Is that not correct?

Kevin Winternheimer: Yes, it would be treated as a special purchase. One of the auspices, one it is considerably cheaper than purchasing a new vehicle. Number two, when you get to the area of used vehicles, it is—

Commissioner Mourdock: There was some background hum, and it suddenly went away.

Kevin Winternheimer: Okay, well, I don't what to do. I've got a push button here.

Commissioner Mosby: You're on now.

Kevin Winternheimer: Oh, okay. In any event, with a used vehicle, it's very difficult to quantify. Mileage is not always a factor, you may not be getting the best deal just because you specify a mileage. If he specifies the truck that he is looking at, you've effectively eliminated other bidders. Bottom line is, you can treat it as a special purchase, if you so desire and authorize him to purchase without bidding.

Ralph Kissinger: It's not a set in stone thing. That's why I was asking if it could be done before I do more research into it, with the basic research I have.

Commissioner Mourdock: Who's the current owner of this truck?

Ralph Kissinger: The Freightliner dealership has it. They took it on a trade, sent it in to be factory checked, and they've contacted me. It is for sale now. So, it's actually a vendor that has, an authorized vendor has the vehicle. We've looked at several others, but a lot of them won't offer you any kind of warranty. We're looking for something that if, you know, in 12 months, you should know if something is wrong with the vehicle.

Commissioner Mosby: What kind of warranty are they offering you?

Ralph Kissinger: One year.

Commissioner Mosby: One year on?

Ralph Kissinger: One year on the—

Commissioner Mosby: Parts, labor—

Ralph Kissinger: It's a total warranty for one year. I can get a copy of that agreement. It's not a thing I have to do today, to buy this, but he said if we could give him some kind of word whether we could or couldn't, that he could hang onto it for another week or so, until we could make a final decision.

Commissioner Mosby: Because, I guess, I'm wondering, if it's a bumper to bumper, differential, transmission, engine—

Ralph Kissinger: It is on the drive train, 100%, I'm sure of that, but I would have to read the fine print to see what else it does cover.

Commissioner Mosby: Yeah, I worry about that fine print.

Ralph Kissinger: That's what we have attorneys for. It was a power train basic warranty, is what it was. One year.

Commissioner Mourdock: When we had the discussion a few weeks back, maybe six weeks ago, we were looking to buy the truck and we had, again, that was a fella named Miller? Came in—

Ralph Kissinger: Oh, those were the dump trucks.

Commissioner Mourdock: Right. Is this the same vendor that we ended up buying from back then?

Ralph Kissinger: Yes. Yes. There wasn't a problem with the trucks, the problem with the bid there was the beds.

Commissioner Mourdock: Right.

Ralph Kissinger: The beds and hydraulic system.

Commissioner Mourdock: Yeah, I realize that was a totally different thing. Just the same players involved.

Ralph Kissinger: Yeah, and we did purchase a vehicle from them. They were low bidder on the van that we bought for the bridge crew last year. For the Cum Bridge.

Commissioner Mourdock: Freightliner was?

Ralph Kissinger: Yeah, and it's been a really good vehicle also.

Commissioner Mosby: How much did you say we spend a year renting?

Ralph Kissinger: Last year we spent almost \$13,000 renting a tractor, full width. My projected rental this year is right at \$12,500. So you put \$12,500 and \$13,000, there's your \$25,000 there. Two years rental. Plus we have nothing to show. The insurance, we still have to carry insurance on the vehicle through our own insurer. So I don't think the insurance will be a factor. It more just whether the county wants me to put another vehicle in service or not. There is a lot of times in the Winter we could use that trailer, if we don't have a tractor rented for, and I can't justify going out and renting a tractor for \$400 a week just to pull pieces of pipe, or something that we need. So, we'll pay a vendor extra for freight.

President Fanello: Anybody got any questions?

Commissioner Mosby: Do you want a motion?

President Fanello: I don't know. I thought you wanted him to get some information for you. Or did he satisfy that?

Commissioner Mourdock: I thought I heard—

Ralph Kissinger: I would be glad to bring you the warranty, or I could send—

President Fanello: You might want to take a look at that.

Ralph Kissinger: —it in with my packet, and have you review it.

Commissioner Mosby: We can do that.

President Fanello: And then we can make a final decision next week.

Ralph Kissinger: Okay. Other than that, I know you—

Commissioner Mosby: You can get the information over to Kevin.

Ralph Kissinger: Certainly.

Commissioner Mosby: He might need to look at it.

Ralph Kissinger: Certainly. I'll give you all the pertinent information.

Commissioner Mosby: Check out that fine print.

Ralph Kissinger: The fine print. The only other thing I have, I know you are probably aware, we had some major flooding last Wednesday night, and I've had a lot of calls, the Engineer's had a lot of calls. Most of it was not due to ditches, or anything like that, but just a tremendous amount of rain in a short period of time. We've been working on problems that did occur from that. We had some roads wash out. I think we've got most of that taken care of, but I know you've probably gotten some calls. I'm still checking some of the work orders that weren't just high priority, but we've about got the mess cleaned up now. Hopefully, we won't get another one tomorrow. Other than that, that's all I have.

President Fanello: Any other questions? Thank you, Ralph.

**Kevin Winternheimer: County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: No report.

President Fanello: The only thing I'll bring up real quick, since we're on Kevin's department right now, is that he and I talked about the personnel policy. If you remember, it's been a few weeks back, but, I believe, we voted to have our County Attorney start reviewing the personnel policy, and possibly draft a new one. Kevin, do you want to give a little synopsis, basically, what you're feelings are on that, at this point.

Kevin Winternheimer: Yes. The one I was given was dated 1997. That's, effectively, five years ago. So, I assume, there's been nothing changed in that time period. It would be my recommendation that you seek out to engage a professional company that does this type of thing. It is true that what is contained in there, what needs to be in there, is all rules and regulations, and statutes. However, my analogy, or comparison would be, it would be like asking an attorney to design a building. Building requirements are all rules and regulations, and, yes, they are all in the code and Building Code, but you would not ask an attorney to design that. By the same token, I think you would be better served to have a professional company that does this kind of thing, to take a look at what you've got, make recommendations. There may be policy decisions that need to be made, as well as, in all likelihood, there are changes in the law that have been made in the last five years that need to be placed in there. As with the city, I would rather spend a dollar in prevention than spend \$100 trying to defend a law suit later, that exhibit A against you, in an out-of-date

policy manual. I do not know what the cost would be to have somebody, a professional company review this, but it is my understanding, that in the business world, this is how it is done. I particularly remind the county, that you have no personnel department itself. I think, contracting this out, if the price is within reason, would be the way to go on this. It would be the cost effective way to go.

President Fanello: If it's okay with this board, we have one proposal, last year from Waggoner, Irwin and Scheele, but I thought maybe Patty could, possibly, do some checking around to see what other vendors are out there, and, possibly, what their prices would be.

Commissioner Mourdock: I would definitely want to get a couple other responses to it. I guess, the only thought I have going in my mind, is it possible to somewhat limit what we are going to hire this company to do? In other words, I don't think any of us expect that if there's 100 pages, and I know there aren't, but just if there were 100 pages in our personnel policy, I don't think any of us believe we would need 100 new pages. Some of those sections, some of the things we do are probably fine. I wonder if we ought not just kind of limit the scope of this to certain personnel areas, if that's possible. I mean, I don't know, like you say the law is constantly changing. I don't know which laws have changed, or what we feel we need to do differently.

Kevin Winternheimer: I think it would be wise to have them look at it. They would not, necessarily, have to change it, unless they came back. But, I think you would be prudent to have them, at least, take a look at the whole thing, and then come back with recommendations to the Commission as to what needs to be changed. Or, if there is more, and I don't know that there is, but if there is more latitude in certain areas. Or there may be things that are omitted that should be in there, but I think you would be prudent to have them look at the whole thing. Even if it's a matter of just having someone read it over, from this company, to say, you know, that's good, that's good, but these three areas have, there's been changes in the law, and you need to add some things or clarify some things, or something along that line.

Commissioner Mourdock: I'd like to see us do that with a formal, maybe, RFP then. As far as getting some, and send one back to, what was that, Irwin, Scheele or Waggoner, or one, whatever. Let them respond, as well, but if we're going to do that, I think, let's get the full look, so we know what we're, so we know we're comparing consultant to consultant properly. So, I would make a move then that the County Attorney work with Tammy to draft up an RFP to review the personnel policy.

Kevin Winternheimer: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent of County Buildings.

Tammy McKinney: I've got some late items that need to be added to the agenda. I have two late Consent Items; one is a surplus of equipment from the Highway, and then late this afternoon we got a pass through grant. I believe this is like the grants

that have been going through the past couple of meetings that just need the Auditors signature on it. Is that correct, Suzanne?

Suzanne Crouch: (Inaudible. Mike not on.)

Tammy McKinney: It's from the Youth Service Bureau.

Suzanne Crouch: (Inaudible. Mike not on.)

Tammy McKinney: That's what they left on the post it note. It says needs to be for the Auditor's signature. Then I have two late Travel Requests; one from Soil and Water, that was on the fax machine this morning, and then Bill Jeffers brought one down this afternoon.

President Fanello: Do I have a motion to add these to the Consents?

Commissioner Mosby: I'll make a motion that we add these four items to the Consent Agenda.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

President Fanello: Thank you, Tammy.

<b>Steve Craig: Burdette Park</b>
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President Fanello: Burdette Park.

Steve Craig: This is in reference to our shirt bid. Oswald had been the lowest bidder, but after they came out and talked to us and that, they had forgotten to include the embroidering and the screen printing on any of the shirts, and that's why they were the lowest bid. They are requesting to drop out of the bid.

Commissioner Mourdock: But they were only the lowest bid by a couple of pennies, weren't they?

President Fanello: No, it was a significant difference?

Commissioner Mosby: No, they were pretty significant on a couple.

Steve Craig: No, they were, yeah, they were—

Commissioner Mosby: Yeah, because I questioned that with Joyce.

Steve Craig: We asked for samples of the shirts, which they sent us all the shirts, and they were all right and everything, but then when the girl come out and found out what kind of embroidering we, you know, wanted, she went back and then informed us today that they had not included that in their bid, and they are requesting to drop out of the bid process.

Commissioner Mourdock: Had we, had we not already made the motion to award?

Steve Craig: Yes.

Commissioner Mourdock: Okay. Do we know, at this point, that the second place bidder still wants, I mean, if this bidder drops, do we know that the second place person is still in a position to—

Steve Craig: We had not contacted Soccer Selections. That was who ended up being the second lowest bidder, but Joyce had talked to Kevin today, and her and I had talked about, you know, what way to go, and this was just their request. I mean, if we do not want to let them out of the bid, I guess, that's a possibility.

Commissioner Mourdock: Well, I'm not, necessarily, looking to do that. I just want to make sure we know what we are doing. I guess, I'd feel okay dropping them out if we knew, at this point, that our second place bidder is going to go ahead and accept the work as they bid it previously. If suddenly they come back and say, oops, we don't want to do it either, for some reason, then we've lost a lot of time and everything else.

Steve Craig: Yeah, because we are getting to the point where the day camp and everything is going to be starting, and the shirts are going to be needed.

Commissioner Mosby: Is the second bidder the one that did it last year?

Steve Craig: We've worked, I don't know if they didn't do all of them, but we do work with Soccer Selections quite a bit. Some of them were done by Southwest Graphics. It's very seldom that they, one person gets them all, but it seems like this year they were pretty well lined up, you know, lowest bid, second lowest bid.

Commissioner Mosby: Do we need to make a motion?

Kevin Winternheimer: Yeah, if you want to do this. Again, she called me today, and asked me what to do, and, well, I said, number one, my general philosophy is, generally, you don't want a bidder on the job who made a mistake, and is going to lose money on the job. Whether it's a construction job or other job. Two, we all make mistakes, and in this particular case, Commissioner Mourdock, if the other bidders would all drop by the wayside, and say we can't do it, since we did, this was an advertised bid, or quoted bid?

Commissioner Mourdock: It was advertised.

Kevin Winternheimer: We would not have to, we could just go out and purchase them. If you could find a vendor to do it. We wouldn't have to start from the beginning, in other words, make them come back with new prices, and do it that way. Generally, it's my philosophy, whether it be your's, that, generally, you don't want a bidder that has made a mistake, and particularly in this case, when we found out before we got the products. We didn't get them all in, and it wasn't what we wanted. They've been up front with us, and just said we made a mistake.

Commissioner Mourdock: Yeah. I don't disagree with that philosophy. I mean, I'm not trying to break anybody.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: I just want to make sure that we've got ourselves covered.

Kevin Winterheimer: Right.

Commissioner Mourdock: So, I guess, if you were here, if the conversation was the second place bidder is ready to assume it based on the price they bid it, and these people want out, I would make the motion let's do it.

Steve Craig: Okay, well, I didn't want to go ahead and talk to the second place bidder until we found out where we were at here.

Commissioner Mourdock: Okay, well, I'll take the level of risk here, okay. I'll move that we go ahead and drop Oswald Promotions, and direct Steve to try to negotiate with the second place bidder at the prices as bid.

Commissioner Mosby: Second.

President Fanello: So ordered.

Steve Craig: The second thing I have on there, was that I had submitted a list of special promotions at Burdette Park.

President Fanello: I'm sorry, Steve, what did you say?

Steve Craig: I said, the second thing I have on my agenda is the special promotions at Burdette Park Aquatic Center.

President Fanello: Oh, I see that. Half price Wednesday and Friday evenings.

Steve Craig: At the present time, we already have family night on Friday evenings at \$3.50 a person, but we're going to have special meal deals for the children, and that to entice the families to come back out to the park on Friday nights.

President Fanello: Were these things that we did in the past also? Same type of promotions?

Steve Craig: No, we have not done the half price Wednesdays before.

Commissioner Mourdock: I'm curious that they were discussed at the board meeting, and yet there was no vote taken. What was the census there?

Steve Craig: There wasn't a quorum there.

Commissioner Mosby: They didn't have a quorum.

Steve Craig: There was only two members there.

Commissioner Mosby: I think Mr. Deig's pretty sick, and we had one out of town.

Steve Craig: One out of town—

Commissioner Mosby: And then one had just forgot.

President Fanello: So, will the radio stations be there every Friday night? Or do they just—

Steve Craig: I'm going to try to line them up for every Friday night. We do have to pay for the remotes as part of our advertising packages with them.

President Fanello: You don't know how much that is off the top of your head do you?

Steve Craig: They run from \$600 to \$750 is what I have got prices on so far.

Commissioner Mourdock: I'm willing to give it a shot. It'll subsidize the park, and maybe we can get some more people and make it up on volume.

Commissioner Mosby: I told Steve, I said, I don't think it's going to cost us any more in chemicals or help, so we might as well put some people in the park. I was all for you doing a buy one coke, get a free refill all day long. So, you know—

Steve Craig: Do you want me to add that on? I mean, I have no problem—

Commissioner Mosby: I think it's something that these families that come out there that pay some of these prices for food, I mean, that's one of the expensive things. I had mentioned that to a couple of board members that I would not be against them buying a coke, just one day, at regular price, and we fill it for a quarter. Because it don't cost anything to fill a fountain coke. I'm all for the promotions. So, I mean, I'll make the motion to try it, and see how it goes.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Steve Craig: Did you want to add the promotion with the soft drink, or would that be something else—

Commissioner Mosby: You can discuss it with the board. If it's something that they see fit.

Steve Craig: Okay, because I wanted to get this in with the advertising that we need.

Commissioner Mosby: Anything we do, I would want to go out in advertisements, so that we could start promoting. Any of your mailings with chalets, or rentals of any of the buildings, I would like to see us put something in—

Steve Craig: Put a flyer with it.

Commissioner Mosby: —yeah, that advertises some of what we're doing.

Steve Craig: That's a good idea. Then I have my weekly worksheets.

President Fanello: Are there any questions? Thank you, Steve.

Steve Craig: Thank you.

Commissioner Mourdock: I'll move we include the Soil and Water Report into the Consent Items. I did not see, unless my packet was short, I didn't see Alexandrovich's.

Tammy McKinney: (Inaudible. Mike not on.)

Commissioner Mourdock: I'll move we add Soil and Water.

Commissioner Mosby: I'll second.

President Fanello: So ordered.

<b>Consent Items</b>
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President Fanello: Consent Items.

Commissioner Mourdock: The only question on the Consent Items I have, what is this certificate of title in here, Tammy. It looks like—

Tammy McKinney: I don't know, Eric, I don't know if you know about this, and maybe you can help me. The girl who brought the titles to me, it's for the Jobs Program, and, I guess, the cars were put in, maybe, the courts name, and they are for Community Corrections and they need to be put in the county's.

Eric Williams: It's my understanding, and did Karen bring these to you?

Tammy McKinney: I don't know who she was.

Eric Williams: At one point when Jobs Program, Inc. was operating out of the Community Corrections Complex they did purchase some vehicles. When that went defunct there was some agreement that some of the vehicles were going to get sold, and some of the other vehicles were going to get left behind. This must be the title changes from the one's that were left behind.

Commissioner Mourdock: Okay, so what do we need to do with these?

Kevin Winternheimer: I guess, just approve the transfer of title.

Commissioner Mourdock: Just accept it. Okay.

Commissioner Mosby: Well, this is the same vehicle. (Inaudible).

Kevin Winternheimer: Two vehicles.

Commissioner Mourdock: Right, it's two vehicles.

Commissioner Mosby: They are both '98 Ford 522's, but this is a one, f, f, p, yeah, there's one number difference.

Eric Williams: I'm sure, I'm not sure which vehicles these really even are without going and checking the records. They are, obviously, you know, a lot of times you see those VIN numbers that are back to back like that, they are QPA, they are state purchased vehicles that, you know, you buy them fleet purchase.

Commissioner Mourdock: I just wanted that one clarified, but with that clarified, I will move approval of the Consent Items.

President Fanello: Do I have a second on that motion?

Commissioner Mosby: What was the motion?

President Fanello: Approval of Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

### Scheduled Meetings

President Fanello: Scheduled meetings.

Commissioner Mourdock: Question. Are we meeting next week? The Monday before the Primary. Often times we do not.

President Fanello: Oh, that's right.

Commissioner Mourdock: I don't recall that we scheduled that.

President Fanello: I guess, that's, I don't know did we advertise the meeting? Or does it matter?

Suzanne Crouch: In the past, when they cancelled the meeting, then we have to place an ad cancelling the meeting.

President Fanello: Does anybody want to cancel the meeting?

Commissioner Mosby: That's up to you.

President Fanello: It doesn't make any difference to me.

Commissioner Mourdock: Do we have anything coming up that we need to—

Commissioner Mosby: I'm not running this time, so.

President Fanello: Yeah. I'm sure we always have things coming up, but, I mean, nothing really, I haven't heard of any emergencies.

Commissioner Mosby: (Inaudible).

Tammy McKinney: (Inaudible. Mike not on.)

President Fanello: Okay. Why don't you run back and check, and then we'll—

### Old Business

President Fanello: I guess, any Old Business.

Commissioner Mourdock: Yeah, I do have one piece, I guess of unresolved Old Business. We had put the advertisement out on the polling places, and I don't know how it happened, but we have an error that we need to correct.

President Fanello: Okay.

Commissioner Mourdock: Because for at least, I think, two of the polling places we put out, we gave the voters a choice of this poll or this other location. We need to get that corrected, and I don't know how we're going to do it at this late date.

President Fanello: And which location was that.

Commissioner Mourdock: Suzanne, do you have the list? Am I correct, was it two or three?

Suzanne Crouch: I think it was two. It was in 3-2, and the choices were St. Joe School Gym or Delaware School. Then on C-1 the choices were Oak Hill School or Bethlehem United Church of Christ.

President Fanello: Well, how did that happen? I don't remember seeing it that way.

Suzanne Crouch: The language was e-mailed to us from the Commission office and from the County Attorney, and then we e-mailed all that to you all and the County Attorney. It was in the April 15<sup>th</sup> packets.

Commissioner Mosby: So, we still, we still haven't determined where we're voting in them two precincts?

Suzanne Crouch: I don't mean... I would presume you have.

President Fanello: We have two voting places in two different precincts. They have a choice on here. They can't have a choice. Do you remember seeing anything?

Commissioner Mosby: 3-2 and Center—

President Fanello: I mean, the County Attorney at that time was the one who did the advertising.

Commissioner Mourdock: Yeah. We have 3-2, and what it reads, specifically, it said St. School Gym, North Garvin and Iowa Streets or Delaware School, 700 North Garvin.

Tammy McKinney: St. Joe. St. Joe School.

Commissioner Mourdock: Is the one that was chosen?

President Fanello: Was it advertised that way then?

Commissioner Mourdock: No, this is how it was advertised. With the or language. The other one is Center, precinct one. It read Oak Hill School, 7700 Oak Hill Road, or Bethlehem United Church of Christ, 6400 Oak Hill Road.

Kevin Winternheimer: Obviously, we can't change the election date, so you do the next best thing, which is readvertise the corrections.

President Fanello: Yeah.

Kevin Winternheimer: That's all you can do at this point.

President Fanello: I'm surprised no one brought it to our attention before tonight at quarter till seven.

Commissioner Mosby: We can--

Suzanne Crouch: We have the second ad running this Friday.

President Fanello: So, can we possibly change--

Suzanne Crouch: I think if we get it in tomorrow morning we can.

President Fanello: Okay. Tammy, why don't you and Kevin work with her to get this figured out and get it in there before tomorrow morning. Do we need a motion to that effect?

Commissioner Mosby: I'll make a motion that we try to correct it before the ad goes in on Friday. If we can't correct it, then we need to directly mail to them two precincts and tell them where their voting spot is.

Suzanne Crouch: I believe Voter Registration mailed cards to precincts where there were--

President Fanello: Where there were changes.

Suzanne Crouch: I didn't check, but, you know, I would hope that they mailed them to the right people.

Commissioner Mosby: I would hope they mailed them stating the right location too.

Commissioner Mourdock: Do we know, Tammy, do you know, are either one of those two that we just mentioned are those changes, or are those existing ones?

Tammy McKinney: Existing. (Inaudible. Mike not on.)

Commissioner Mosby: Are they precincts that we combined in some way to end up with two locations? I mean, I know that happened over here in the sixth ward when we combined St. Anthony and the Boys and Girls Club. The wrong location was put down, and then we did the same when we combined Schnutte Towers and the church. That's why we ended up changing them two right away.

Tammy McKinney: I would have to check with Tony and Connie about--

President Fanello: Maybe check first thing in the morning, and get with Kevin, and see what we can do.

Commissioner Mourdock: Because if, in fact, they are new one's, and they were advertised, then I think you said, David, we need to do a mailing.

Commissioner Mosby: We need to let them know, I mean, I hate for these people to be running around trying to figure out where they're voting. It's going to, probably, be hard enough to get people to vote.

Commissioner Mourdock: So, you are saying all ten of them.

Commissioner Mosby: Yeah, I was going to say.

Suzanne Crouch: Do we have permission to change the advertisement?

Commissioner Mosby: Yes.

Commissioner Mourdock: Yes, David, made the motion.

Commissioner Mosby: Permission to change the advertisement.

President Fanello: And you seconded it? Okay. Alright, any other Old Business? Tammy, what was your on the agenda?

Tammy McKinney: There is nothing.

President Fanello: Nothing really. Well, would someone like to make a motion to cancel the meeting.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second. Yeah, second.

President Fanello: So ordered.

Madelyn Grayson: Kevin, can you give some—

Commissioner Mosby: Uh-oh, the Sheriff is going, the Chief Deputy is going to say.

Eric Williams: The Sheriff's office has submitted, and it's just a Consent Item for signature to use USI for a testing for applicant testing, and that was going to get put off until next week. If that gets put off another week, then we will be in a bind with USI. It's just approval for us to use it. They aren't charging us or anything.

President Fanello: So, could we, possibly, address that right now?

Eric Williams: It was submitted late today when we got it from USI.

Commissioner Mourdock: Oh, so we didn't—

Eric Williams: It didn't make it in today's Consent Agenda, because it was late, and next week wasn't going to be a problem to get it back to USI, but if we're not going to meet next week, then that will be a problem.

Commissioner Mosby: You say they're not charging you?

Eric Williams: No, but they want a contract that we've got insurance and everything. I've already got the insurance attachments from Dennis showing that we're covered and everything with the contract, but it just needs one of your signatures on it.

Commissioner Mourdock: I'll move that we add that item to tonight's Consent Agenda. In fact, since we passed the Consent Agenda, I would move that we go ahead and approve that item as requested.

Commissioner Mosby: I would second that.

President Fanello: So ordered.

Madelyn Grayson: Kevin, I will just need language on the cancelled meeting ad that we will need to place, as well.

Kevin Winterheimer: Okay.

Madelyn Grayson: Thank you.

Commissioner Mosby: Go ahead and give that to her, and she'll have to put that in the file.

<b>New Business</b>
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President Fanello: Okay, New Business? Anybody have any New Business? I've just got a couple of small items here real quick. I received a letter from the Data Board last week, and I had also attended the Data Board meeting last week, and there was some extensive discussion about a letter that was circulating from Matt Arvay, which detailed that the GIS Department was prepared to connect the library and School Corporation to a server here in the Civic Center. That generated a lot of discussion about who gives the authority for what, and the processes, and the lack of communication with ACS, which is our computer service provider. So, I have drafted a letter to Matt, and I'm sorry I didn't get it to you earlier, but I just did it at about 4:30. Drafted a letter to Matt just asking him to keep the Data Board informed, and to keep the Commissioners informed, and to coordinate these projects with ACS. But, the Data Board, and Suzanne was there as well, felt that the Commission needed to send a letter, on our side, and that the Mayor needed to do something on his side. That's what I've drafted here. You can have a copy of it. Then the other letter that kind of goes along with this issue, is the fact that we have a contract with the Water and Sewer Department for the GIS services, of which we fund 50%. What this notice does is just give them a notice that we would like to revise the contract before we renew again. The contract was signed in September of 2000, and there is a clause in there that allows us a three month notice, if we want to make changes, or do not want to renew the contract. So, I would ask that we look at revising the contract so that it more clearly defines the county's role in the decision making process for GIS. We could have our County Attorney look at that.

Commissioner Mourdock: Dealing from memory here--

President Fanello: I have a copy of that also.

Commissioner Mourdock: –yeah, with my memory. That contract comes up February of next year? Is that right?

President Fanello: No, this contract was signed on September 18, 2000. This is the agreement with the Water Department.

Commissioner Mourdock: Right, but when does it terminate?

President Fanello: It is renewed annually automatically–

Commissioner Mourdock: Unless we give the city notice.

President Fanello: –unless one party gives a three month notice, and that’s why I’m giving notice right now.

Commissioner Mourdock: Okay, but did we just recently pass one–

President Fanello: That one had to do with the School Board. Or the School Corporation.

Suzanne Crouch: (Inaudible. Mike not on.)

President Fanello: Oh, okay. That was ACS. This is just an agreement between the Commissioners and the Water Department. Basically, that’s just our agreement with the Water Department where they house a lot of the GIS equipment, and they also make all of the decisions regarding contracts and purchases. So, all I’m asking is that we revise that contract, as I said, to more clearly define the county’s role in that decision making process. Maybe set out some guidelines of how those purchases are handled. Maybe the coordination with ACS, and contracts and all that.

Commissioner Mourdock: (Inaudible. Mike not on.)

President Fanello: Yes. I’m sorry. So, if I could have a motion to accept those.

Commissioner Mosby: I will make a motion that we send the letter handed out to Matt Arvay, GIS Director, and also the letter to Jim Cameron of the Water and Sewer Utility on notice to renegotiate or take a look at the contract.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, and that’s all I have.

Suzanne Crouch: President Fanello, maybe I could speak with you tomorrow. We have six computers in our office that we are wanting to hook up to GIS Net, because we need to access ProVal, which all the computers are on, or all the Assessors are on GIS Net. I know we had discussion about that, so I would like to speak to you tomorrow. We haven’t done anything, but–

President Fanello: Okay. We’ll take the time to talk about it. John.

John Stoll: One thing I didn’t know if you wanted to discuss that Storm Water Committee, and that meeting that you and I were at last Friday.

President Fanello: Oh, that's right. On the—

John Stoll: I forgot to bring it up during my report.

President Fanello: The meeting, John Stoll and I met Friday afternoon in Warrick County. Basically, discussion that, the Town of Newburgh was there—

John Stoll: Warrick County, Vanderburgh County, basically, all the regulated municipalities except the City of Evansville, on these new IDEM Storm Water Regulations.

President Fanello: Yeah, and, basically, they were wanting to form a committee, maybe you want to explain, basically, what they talked about in that meeting.

John Stoll: The scope of the meeting, basically, was that we have to file our notice of intent letters by next March, and there's some big questions out there as far as how do we proceed from here? I talked with the County Surveyor in Warrick County, and talked with some Newburgh people, and the discussion, and the City of Evansville, as well, the discussion keeps coming up to do we file for a joint permit, as part of these regulations allows? Also, do we need to hire a consultant to try and get things organized, somewhat? Like Catherine said, a committee was proposed, and they proposed the committee be made up of two members from Vanderburgh County, two from Warrick, two from the Town of Newburgh, two from the City of Evansville, if they want to participate, and the one from each of the Universities; Ivy Tech, USI, and UE, because they all fall into those regulations as well. Basically, the committee would be out to do two things; one, to determine what the language of an RFP would be for anybody that chooses to issue an RFP for consultant services on this permitting process. The other issue would be just coordination among the municipalities to try and make sure everybody that does file these permit applications, notice of intent letters, and things like that, were consistent from the City of Evansville to Vanderburgh County to Warrick and the Town of Newburgh, as well as try to get some consistency in the event we have multiple consultants working for the municipalities.

Commissioner Mourdock: Will the permit applications also go to IDEM?

John Stoll: Yes. By March, I think, it's March 10, 2003, we have to file a notice of intent letter on those saying that we will comply with all the garbage they've put in the regulations. Then six months later we have to file another, as the regulations are currently set up, we have to do an extreme characterization for the current water quality of the current waters in this area. Then by March of 2004 we have to file our full blown plan, which has the six minimum control measures of public education, construction, site run off control, post construction controls, there's a provision in there that you make sure your municipal operations are complying with the clean water regulations, and things like that. So, that's the general time table, and since we have to file our notice of intent letter by next March that's why the Warrick County Surveyor set this meeting up to try and initiate some dialogue among all the regulated municipalities, and see where we go from here.

Commissioner Mourdock: So, is there a question, I mean, that's informational, is there something in the form of—

President Fanello: Well, they basically want to know if we are interested in forming the committee, and, I guess, who would sit on the committee.

John Stoll: Right.

President Fanello: I guess, it could be any of us that wanted to go, or if you want to designate someone from here. They just want to make sure, you know, we all may hire different consultants, but they want to make sure that everybody keeps in communication.

Commissioner Mourdock: Yeah, and I suspect what the two of you are saying, although I don't really know that you directly said it is, that some of these outflows, and some of the stream sources we could otherwise be paying multiple times for the same thing.

John Stoll: Right. That's the intent of the joint permit, basically, trying to reduce costs where we could share, if say, for example, the Universities wanted to go along with the joint permit, some of the educational requirements may be able to be taken care of by them for all the regulated areas. Or, like you said, the stream characterizations could be done one time instead of four. So, there is some potential for cost savings, but, likewise, there is going to be a substantial expense for each regulated municipality, because each one has to oversee their own program.

President Fanello: So, I just need to know if you're interested in forming—

Commissioner Mourdock: I would move that we act to have representatives on that joint committee.

Commissioner Mosby: Second.

President Fanello: So ordered. Who might that representative be?

Commissioner Mourdock: We can discuss that as time goes by.

President Fanello: Okay.

Commissioner Mourdock: But at least, at this point, maybe you can get back to them, and if I understand, that's all you really need.

President Fanello: Yeah, just to let them know that we're interested.

John Stoll: Didn't they want to meet again on June—

President Fanello: June 3<sup>rd</sup> or something like that.

John Stoll: Yeah, I can't remember the exact date.

President Fanello: I have the date back in my—

John Stoll: But we'll need to know some names here shortly, and then the next big decision, I guess, we'll have is what do we do, pursue an RFP? If so, the language

of the RFP. Likewise, if we don't, we need to make sure our consultant is coordinating with whoever the other consultants might be on this.

Commissioner Mourdock: For what's it worth, it would seem to me, if we only have two, the choice would be from a County Commissioner, the County Surveyor, someone from Soil and Water, and the County Engineer. It would have to be two of those four. (Inaudible).

President Fanello: Thanks, John.

John Stoll: You're welcome.

President Fanello: Do I have a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:56 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Commissioners	Health Department	Circuit Court
County Council	Recorder	Burdette Park
VCCC	Prosecutor	Sheriff Department
Pigeon Assessor	County Clerk	

**Travel Requests:**

Health Department	County Assessor	Surveyor
SWCD		

**Request for Service:** Sheriff Department

**Community Corrections:**

Transfer JOBS Program Car Titles to Vanderburgh County.

**Auditor:**

Pass Through of Local Health Maintenance Fund Grant Application.  
Declaration of Surplus Equipment.

**Dennis Feldhaus: (ONB Insurance)**

Approval of WILLIS & Alternative Service Concepts Agreement.

**Commissioners:**

Letter to Water Department: GIS Contract.  
Letter to Matt Arvay- GIS Director.

**Sheriff:**

Agreement with USI for use of Campus Facilities.

Weekly Jail and Community Corrections Information and Reports.

**County Highway:**

Declaration of Surplus Equipment.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Tim Van Cleave	Steve Craig
Matt Wannemuehler	John Stoll	Ralph Kissinger
Eric Williams	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
May 13, 2002**

The Vanderburgh County Board of Commissioners met in session this 13<sup>th</sup> day of May, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Commissioner meeting for May 13, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right, Patty White, who is sitting in tonight for Tammy McKinney. Patty is our assistant. County Attorney, Kevin Winternheimer; Commissioner Mosby; myself; Commissioner Mourdock, to my left; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of minutes from April 29<sup>th</sup>?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

**Approval of May 13, 2002 Executive Session Summary Minutes**

President Fanello: Also Executive Session summary minutes.

Commissioner Mourdock: Yeah, I'll move approval of summary minutes from tonight's Executive Session. It began at 4:00, and ended at 4:30, and dealt with personnel issues, threatened or pending litigation, and also real estate issues. Excuse me, and present at that meeting were the three Commissioners, Mr. Winternheimer, and the County Auditor.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Hearing/ First Reading of Ordinance Establishing an  
Impacted Drainage Area in Eastern Vanderburgh County**

President Fanello: Kevin Winternheimer, public hearing/first reading of ordinance establishing an impacted drainage area in eastern Vanderburgh County.

Kevin Winternheimer: Yes, Mr. Jeffers and I met, and we have some suggested language changes. On the second page, if I could find my copy, I would point that out. I think I brought everything in the office but that (Inaudible) copy. On the

second page, trying to address Mr. Morley's concerns, the first full complete paragraph, which says,

Projects exempted from the requirements of this Section shall include all subdivisions recorded prior to adoption of this Ordinance, this particular ordinance, and commercial and industrial projects which have had final drainage plan approval prior to June, blank, 2002.

He thought that would address Mr. Morley's concerns. The only other change was on the first page. Instead of subsection (b), I made subpart (b). The capital B is the subsection part of it. Other than that, we did not change anything, and that was not really a change, it was merely a clarification of what the Drainage Board has passed. I don't know if Mr. Jeffers is here, or has any comments. I don't see him in the audience. Is he here?

Commissioner Mourdock: He's here, but I don't....yeah.

Bill Jeffers: I have no comments. Kevin covered it.

Commissioner Mourdock: Okay.

Kevin Winterheimer: I did fax Mr. Morley a copy. He did not get it until this afternoon, but I don't know if I see him in the audience. If he has any concerns, he can address them prior to the next...I believe it's final on the 20<sup>th</sup>? Is that correct? Will be second reading.

Commissioner Mourdock: Just for the record, is there anyone else here to speak to that issue? Seeing none, on first reading I would move approval as submitted.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Roger Lehman: GIS Update**

President Fanello: Next item is GIS update by Roger Lehman.

Roger Lehman: Good evening. We appreciate the Commissioners giving us the opportunity to come and report some of the activities going on in the GIS operations. We, of course, have been a work in progress for almost two and a half years. At this time, the city has funded one of the two major foundations, the Orthophoto and planimetrics. This is a \$400,000 project, and then we now are working on, and almost have completed the partial digitization, which is the second major building block, which will give us a GIS base that is second to none. This \$750,000 project is about 80% complete. We have received all of the hard copies from our consultant, and we are QC'ing those now. We will return them to 3DI, and they will digitize those, combined those with all the other parcels, and then, probably, in about six weeks we'll receive the final product with all the parcels in place, and we'll be ready to have that job done. It's been a long, hard job. This evening we would like to show the Commissioners how some of the departments are already using GIS. I have provided an agenda for you. You'll notice as we go through, we have deleted a few items in the sense of time. At this time, I would like to introduce Brad Mills, Director of APC, to talk to you a little bit about site review.

Brad Mills: Thank you. As you can see, we do use the GIS for quite a few things. We use it at site review, it gives us a hands on view of exactly what is there, and located at the site. This shows a few of the members that are there. We can use that to say how far is a business from an existing business. We can measure right on the screen. We can see drainage systems and how they are working. We can just use it as a general tool to see what it's like today, and not what does the petitioner tell us it is. Thank you.

Roger Lehman: Steve Fuchs, from my office, now will tell us a little bit about flood plain management, using it as a tool.

Steve Fuchs: Okay. Flood plain in Vanderburgh and in Evansville has been limited because of the different scales of the maps, because, in most cases, we're dealing with a 2000 scale on our flood maps, and we're dealing with a 200 scale on our topographical maps. We're constantly having to change. One of the problems we have is, as you can see, on this slide, as we are now, because of having to plot them, we could not accurately say that this house, this structure, was out of the flood, and this one was in the flood. Both of these would be declared in. This way we are able to make a closer determination, and this person would not have to pay flood insurance on their mortgage, because of that. With the digital flood maps coming on board from FEMA, and us working with them using our aerial photo, we also are eligible through the CRS, the Community Ratings System, for additional 5% reduction in our flood premium policies for the people here in Vanderburgh and in Evansville, because of having this tool and being able to use it. Here you see the topographical lines, which allow us to graphically show you from the lighter colorations those areas that are lowest, up to the darker that are the higher elevations. You can actually see the way that hills and valleys and creeks run throughout the city, and can do a much better determination of the flood path.

Commissioner Mourdock: Steve? What's the control you are using for that topography? Are you using that off the same 2000 scales maps? Or is that something you've shot independently?

Steve Fuchs: (Inaudible. Talking over each other.)

Madelyn Grayson: Mr. Fuchs, can you take the microphone with you when you speak over there? So we can get you on the record. Thank you.

Steve Fuchs: Okay.

Commissioner Mourdock: So, you had—

Steve Fuchs: Those topographical lines are tied to the Orthophoto that was flown.

Commissioner Mourdock: Okay, and did we do any separate field control for the Orthophotos?

Steve Fuchs: Yes, there were 27 different controls used.

Roger Lehman: 27 controls, yes.

Steve Fuchs: Yeah. We have found that our accuracy in this, and we now are actually looking at the preliminary new flood maps for the county and the city, that we will much more accurately be able to show and have...right now, the flood maps

actually have creeks running across topographical lines. They are so inaccurate, but with this, and with the new one being tied to the topo lines and the Orthophoto, all that will be corrected and snapped into place.

Roger Lehman: You notice next on the agenda it says voter precinct boundaries/datum correction, County Surveyor's Office, Linda Freeman. Linda had the audacity to choose Florida over the Commissioner's meeting, and I would hope that when she gets back you would tell her how that looks.

President Fanello: We'll reprimand her.

Roger Lehman: Matt will touch on that for us. He has assisted her in that project. Matt Arvay, the Director of GIS Operations.

Matt Arvay: You're aware of the voter precinct boundaries. What Linda did was she had to redraw the boundaries based on some of the 2000 demographic data. So, just real quickly, go to the next slide, she then looked at the various wards, and she was able to then determine what streets fell within the wards, and the address ranges on each street, which helped Voter Registration out. These are just some of the examples of some of the mapping that she produced. Then she also redid the Council Districts, which were approved by the State of Indiana. The datum correction, just real quickly on this, we're using the State Plain North American Datum of 1983, and what this does is it gives us a consistent coordinates where all of our information overlays, as you can see on the right hand side there. What we did is if we had various coordinate systems, things wouldn't overlay properly. So, this is just a depiction of how our information is overlaid properly with that datum. Thank you.

Roger Lehman: Okay. Thank you, Matt. Next to talk about parcel maintenance, and this is a small part of our presentation, only a couple slides, but this is a very critical part of the operation of GIS, because GIS isn't just creating the data. If you don't maintain it, then you are no better off than if you just had paper maps. So, Brad Mills and the Plan Commission has allowed one of his staff to be dedicated full time to parcel maintenance, which saves us from having to contract with a vendor to do that, so this \$750,000 digital property, or parcel line project we are getting will not just sit there and become obsolete in a short period of time. She has been working on this now for three months?

Laura Lamb: Yeah, about three months.

Roger Lehman: About three months, and so I am going to let her talk about parcel maintenance just a minute.

Laura Lamb: My name is Laura Lamb, and I've been chosen to maintain the parcel data. Basically, any information on the base map, any parcel joins, subdivisions, parcel splits, right-of-way dedications, right-of-way vacations, anything like that is what I go into the computer and redo the line work. While I'm in there, if you can see the little red question marks, there may be some question as property dimension, I try to clear those question marks while I'm in there, in that area. Basically, that's what I do.

Commissioner Mourdock: You clear the questions by reviewing the deeds?

Laura Lamb: Yes. A lot of times the Assessor's office, before they send me something like a parcel split, they will look at the errata around that area, try to figure out what the solution is, and send me information to help with that.

Commissioner Mourdock: So, are you assigning the actual coordinate point then? Are you digitizing it to add that point into the system? Is that what's happening?

Laura Lamb: For a new line, or?

Commissioner Mourdock: For that point.

Laura Lamb: Oh. For the point, it's just a dumb point. It's just there because they had some question about a line or a dimension or it could be anything. We've had, you know, like a gap, a surveyor's gap, or an overlap, things like that.

Commissioner Mourdock: Okay.

Roger Lehman: Thank you, Laura. Something else this allows us to do that can't be done practically with paper maps is to find out where those errors are. As the vendor is doing this digitalization of the paper maps, they are making, they are noting errors where property lines may cross over. They are not fixing them, unless it's something that's rather obvious, they are not fixing those, but they are making a separate list. So, now as we go through time, we will go to that list and pick off, as Laura said, areas that are in that same area she is working, and we will work with the Assessors and try and get those things corrected. So, again, in maybe five or ten years, because there is a lot of them that are problems, we will have most of those errors taken care of. Next, we will talk about reassessment and appeals process, and I would like to introduce Rick Barter from the County Assessor's office.

Rick Barter: It's become part of my routine as hearing officer of the Vanderburgh County Assessor's Office to go to the site and routinely examine parcels of property on which appeals have been filed for property tax relief. In looking at a recent petition, the number of parking spots on a particular parcel came into issue. So, I went to the site, located the parcel, and examined it. We zoomed in, and then we zoomed in again, and we counted, I stood there, sat there and counted the actual number of parking spaces on this site. In the end, I was able to support the township's original assessment and prevent a county refund on that issue. The GIS site combines the things that we need to do in our office, and helps us on a day-to-day basis.

President Fanello: Thank you, Rick.

Roger Lehman: Thank you, Rick, and, again, I'll introduce Matt to talk about our ARC/IMS site.

Matt Arvay: The GIS Department wanted to develop some type of website that would maximize the usage of the information that was developed, and the parcel project is the most important layer, at this point. So, what we wanted to do was take advantage of that, so we created, this is our GIS Department home page. It's just [evansvillegis.com](http://evansvillegis.com). Go on into it. What we did, what you are looking at are two different websites. On the right hand side is the County Assessor existing website, and on the left hand side is a website that is maintained by the GIS Department. What we wanted to do was, as you move in, you have some tools along the bottom there, you can zoom in, and as you zoom in on the map, more and more information

becomes available. Here you are seeing edge of pavement, street center lines, township boundaries. As you continue to move in, you are starting to see building footprints, parcel information. So what we did was, if you click on the white "i" down there at the bottom of the tool, it will identify parcel tool. You can go in and you can identify a parcel. What it does is it goes back to the County Assessor site, and it gives you information about that particular piece of property. One of the reasons why we wanted to do it this way was, was this site had been available for quite a few years. You can also do a property search. We used their search engines, and their search boxes, so we didn't have to recreate that information. It kept the overall cost of the project down, is what it did. Go ahead and do a property search. You can go in there and you can type in, use any of her search engines that she has currently, and we'll just type in Main Street, and it pulls back a list of addresses on Main Street. You identify the one you want. Go ahead, no not all of them, just click on one of them. It then pulls that particular individual property up. Once again, you go down to the bottom, you click view map, what it does is it sends an attribute back to the GIS Department website and zooms you into that property. Once you have identified your property, you can go up to map layers up top, and then you can turn on the 2000 aerial photos, refresh the map, and now you have the information right there. You can use her sales search engine, or any of her, like I said, once again, her search engines to identify the parcel either through the date of sale, the amount of sale, things of that nature. Once again, in order for us to keep the total cost of the project down, we used some technology of her site that was already there. This can be tied to any departmental website. If, like for example, the County Commissioners wanted to tie a link, and we could create a website that shows some economic development, Burdette Park, whatever, to it. Other departments will be using this technology in the future, like police, things of that nature.

President Fanello: While you're there, Matt, let me ask you a quick question. Can the average homeowner access the GIS website? Or do they need any kind of special equipment at home to access the website?

Matt Arvay: No, actually, what was nice about this site was, we developed it with HTML code, so they don't need a Java download, a plug in at all. So, all they need is Internet Explorer or Netscape, or even AOL, and it's free.

President Fanello: Okay. So, they don't have to have any kind of certain—

Matt Arvay: Nope, it's all free.

President Fanello: Okay.

Matt Arvay: That was another reason why we wanted to develop a site like this, because, even internally, instead of other departments and folks that need this information having to purchase an Arcview for a \$1,000 plus a copy, it's now free.

Commissioner Mourdock: Do you have any information as to how many people are using it at this point?

Matt Arvay: Actually, it's been up public for two weeks, and we've gotten well over 2,000 hits in two weeks.

Unidentified: (Inaudible. Not at mike.)

Matt Arvay: Yeah, we're up to 3,500 actually, so.

Commissioner Mourdock: But that's not suggesting, necessarily, that 3,500 people. It's 3,500—

Matt Arvay: Every time you come into the GIS website, yeah, it would be something that tallies it. Now, I can get you information, because I do have software that tracks unique visitors. We have over, almost 2,000 unique visitors that have hit this site.

Roger Lehman: Okay, thank you. Greg, go ahead and...oh, wait until we plug back in. Okay. While they are switching laptops there...by the way, was that a live presentation, or was that done with you?

Matt Arvay: That was done (Inaudible. Not at mike.)

Roger Lehman: Matt was able to trick his computer into thinking like it was two computers. So, since we don't have a network connection in here, he was able to have those two websites working separately, thinking that they were two separate computers. As he said, on the right side of that could be County Commissioners Vanderburgh Industrial Park, and a link, push here, and it would take you on the map to the Industrial Park. It could show you the lots, it could show you the size of the lots. So, people from, you know, other (Inaudible) countries, or anything could look up. I was going to say universes, that might be a little much. Alright, public access, we've talked about that, that's why we have presented this site, and go ahead and click on the next one. Cheryl has some access point kiosks in her outer office there, and most of the departments will be providing at least one public access kiosk in their office, so people can come in, and they can look up stuff on the GIS Net while they are waiting for a permit, or if they want some more information. The private sector has had a great deal of interest in this project, and I would like to introduce David Matthews. Dave has been kind of our private sector coordinator, and he's going to tell you a little bit about the private sector uses.

David Matthews: Thank you, Roger. My name is David Matthews. Let me tell you, the real estate community is ecstatic about this project. It helps us serve the community much better than what we could in the past. It has so much potential, we don't even realize what we can do with it yet. One way I like to explain this is, it's kind of like going from paper records to computers. Richard is over here working on his computer, and now we're taking the digital maps, or the paper maps and putting them on the digital form. So, we could not, when we first got computers, understand how we could use all the computer power. Right now, we don't understand how we can use all this. It's limited only by your imagination. So, I want to give you some ideas on how one person could use this. It sort of gives you a birds eye view, and I could have picked a dozen or a hundred different sites that we've used since this thing's been up. One I did use is kind of in the public interest right now, is Riverside One. I used this in appraising the property. Here is just a list of some of the things you can do from this. You can get down to a single property. You can, of course, zoom all the way down here and even see people walking on the streets. Or all the way back and have the whole county cover the one page, but if you get down to a lower level you can sort of tell the lot shape, the street access, the alleys, parking spaces, encroachments, travel patterns, wear on the streets, check bill and lot dimensions, rooftop improvements, landscaping, zip code, census tracts. You move back a little further, you can do a neighborhood analysis; parking access, land use, setbacks, land to building ratios, site lines, development trends, street right-of-ways, pavements widths, turn lanes, one ways. Get back a little further, it's a city view; growth patterns, natural and man made boundaries, creeks, ravines, streets, nonalignment of streets and subdivisions, which is a problem, green space, traffic

patterns, etcetera. That's just a quick list of what you can get out of this. Just a couple of weeks ago I had a couple of developers in town thinking about bringing some new development on the east side, and this is what they looked at. They knew Evansville before they even showed up. So, I wouldn't doubt that some Japanese folks are looking at Evansville right now. This is one of the best systems I've ever seen. I've seen a lot of them, a dozen or so in other cities. Louisville has one, Chicago, L.A., but this is as good as I've ever seen. Once we get zoning on here, I know Brad wants that-

Brad Mills: We're working on it.

David Matthews: I know you are. I'm giving the plug right here. It's going to be the best system I know about in the country out there. It's our way of introducing Evansville to the world, as far as how progressive we are. Because we are very progressive when it comes to this kind of stuff, and I think we need to toot our horn a little more. Some of the other uses, we're doing Mt. Pleasant, we had one issue Mt. Pleasant road widening had one issue about a tree, was it in the right-of-way or not? So, we blew it up, well we made then a transparency of that, laid it over the aerial photograph, the plans over the photograph, and we could tell exactly where that tree was in relation to the road project. Sure enough, it was going to be in the acquisition. We did some Center Township land reviews on the reassessment, and I could get back and forth to subdivisions so easily by using this method. Measure set backs, determine typical sizes and shapes. Then if you're a walker or a jogger, if you want to know how far you walk or jog, just call this thing up and click a few points and you'll know exactly how far it's been. It's just neat. I mean, whatever you want to do, you probably can do it on here if it relates to geography. Just about everything you think about relates to geography, in some way. So, any questions on how happy we are as a real estate community.

Commissioner Mourdock: I don't know that this is real estate community directly, but since this board is also the Drainage Board, we see all these drainage issues come through, can we get off the topography that was developed from the Ortho quads, can we do the same thing in zooming in for topography as you have just demonstrated here with the properties and the aerial photos?

Roger Lehman: Yes. The contour lines are, we only have about 80% of the contour lines in the county at 2' intervals. We didn't get the whole county because it's very expensive to get that done. That was done in conjunction with Orthophoto, and we didn't have enough money in the budget to do the whole county. We have about 80% of the county, all the developing areas in 2' contours that are supposedly accurate within a foot, plus or minus.

Commissioner Mourdock: So, in theory, if somebody was having a drainage dispute with a neighbor, or whatever, came in here, they could pull this up, have the little topo map ready, and throw it on our table.

Roger Lehman: Keeping in mind, the photo and the contours were done in 2000. It was off a 2000 photo. We are planning now to update the photo next year, pending the budget, but we think we've got enough money to do that.

Commissioner Mourdock: Upgrade the photo or the topo?

Roger Lehman: Both.

Commissioner Mourdock: Okay.

Roger Lehman: Yeah, they upgrade the topo off of the photo.

David Matthews: If I could add one more thing. One brilliance that you all did, a great move, and that was to make this free to the public. Guys when you ask about that, it's available to the public, that makes developers want to look at it. They might pass us by if they have to pay \$50 or \$100 or a dollar or whatever. It's successful to the folks. It's public information, paid for by public dollars, except I will say that private dollars did add some money. We had a fund raiser and we gave the money for this, and the realtors have supported it, and we're not finished supporting it. We have some more money we would like to give. We sure appreciate your insight and where the future lies for us. It's in GIS. Thank you much.

President Fanello: Thank you.

Roger Lehman: Thank you. Alright, I did ask Carolyn Rusk from DMD to come and talk, just a little bit, about lead testing. We've seen a lot of the information in the paper about the soil problem we have on the near north side here. She's going to talk about that just for a couple of minutes, and then also about her brownfield project, and how she's using the technology for that.

Carolyn Rusk: What you'll see here, this is where we used it last year, early. I know it says 2002, but these were actually 2001. We used the Orthophoto for IDEM, and then they were able to pinpoint exactly where they took the soil samples in the Jacobsville Neighborhood, and those are some lead counts. If you want to go ahead and flip, so that is what these couple of slides are, so that they could really pinpoint that. Now, in terms of brownfield identification, this is one of the ways that I'm using the Ortho, and I've gone through a good...I can do this in the whole county, but I know most people think there are probably only one or two brownfields, and we're really looking, in Vanderburgh County, at more like 400 to 500 brownfield sites. When you start taking a look at empty lots and things like that. What I'm putting together for all of those sites, we're going to be pinpointing all of those sites. You can see where we've got, exactly where it's located, who the property owner is, what the dimensions are. For this one, you can see as part of the data base, down towards the bottom, you can see we had a grant, and we have a \$7,274 balance remaining. So, we can track grants that we've been able to get for brownfield clean up. So, as well as types of contamination, past history, things like that. So, going back to what Dave Matthews said, is that anybody that's interested in this site, they can take a look at it before they ever come talk to me, or make any purchase agreement or anything on a site, and they will know a little bit of background on it. So, that's just one of the ways, or two of the ways, actually, that DMD is using the GIS.

Commissioner Mourdock: Carolyn, the comments at the bottom of that slide, which just disappeared. It had something up there about the balance remaining. That's just a notes section, I take it? You're not really using that as a bit of accounting software, to keep track of the grant, are you?

Carolyn Rusk: No. No, but it's just so that we know, because some of these brownfield grants, if we don't use the whole thing, for example, the one's we get from the state, they want us to use that in other brownfield remediation projects. So, that we know it's balance, and that one's on Lincoln Avenue, so we could use it for another brownfield site, perhaps, on Lincoln Avenue, and know that that balance is

there. Or we may use it at that site, if there is more work to be done, because some of this stuff can take years, and you can lose track of it.

Commissioner Mourdock: I worry a little bit, just from the liability perspective, when I read five suspected UST's—

Carolyn Rusk: Yes.

Commissioner Mourdock: —and petroleum contaminated soils—

Carolyn Rusk: Uh-huh.

Commissioner Mourdock: —who's statement is that?

Carolyn Rusk: That is off the site assessment that was done. When those site assessments are done, the property owner signs off on those before those assessments are done.

Commissioner Mourdock: Okay, so that's something that is showing up off an IDEM report then, I would presume?

Carolyn Rusk: No, it is one that the state, that the city did with IDEM funding, back in 1998, I believe it was.

Commissioner Mourdock: Okay, but you said the owners signed off on it.

Carolyn Rusk: The owners signed off that we could do that site assessment on the property. So, they are very well aware of that. As a matter of fact, this is a different owner at this time on that property. I think you bring up a good point, the point is confidentiality for the owners.

Commissioner Mourdock: Yeah, and, you know, it says five suspect UST. Well, most people skip the word suspect, and then they read contaminated soils and ground water, and I don't want to be putting a black label on somebody's property if, in fact, it's just suspect.

Carolyn Rusk: Right. That was only from the phase one, they didn't do a phase two on this property at this time.

Commissioner Mourdock: Oh, I understand what that means.

Carolyn Rusk: Yes.

Commissioner Mourdock: I'm not sure everybody who would read it would.

Carolyn Rusk: Good point.

Commissioner Mourdock: Okay.

Roger Lehman: There are controls on this data. It's not everything that we have is on the website. There are limits, and each department sets the limits for their own information, on what's available to the public and what's not on this site. Most of the information, in most departments, is public record anyway, but we're not interested, really, in putting things out there that are detrimental, just informational.

Commissioner Mourdock: Right.

Roger Lehman: I would like to have Matt come back up. As you all know, this is a joint project between the city and county, and that's one of the reasons I wanted Carolyn to come. You'll notice there are a couple other city projects on there that we've cut out of the presentation tonight, so we could keep things rolling, but I would like Matt to tell you about what's going on down in the Sewer and Water Utility.

Matt Arvay: Just to make even more of a comment on what Roger just said. Even to the departmental level, if the department doesn't want other departments to see their information, if it's sensitive, we can lock that down where no other department sees it, other than them. The city, the Water and Sewer, a few years back the Water and Sewer Utility did a data conversion job. They basically took some of their paper maps and converted them into a CAD format. Currently we are doing a pilot area, and we've taken some of their CAD data and moved over. We currently have over 15,000 sanitary sewer gravity mains, and 13,000 sanitary sewer manholes in the system. We're looking to start maintaining this stuff in the GIS, that way we can do some network tracing, so down the road if you have a break, you can trace it back to the shutoff valve, things of that nature. So, those are some things that are up and coming with Water and Sewer.

Roger Lehman: I would like at this time to introduce a friend of mine, and also a Lieutenant in the Evansville Police Department, Andy Chandler. He's going to tell you about an instance that happened about three weeks ago now?

Andy Chandler: Approximately.

Roger Lehman: About that. Okay.

Andy Chandler: I'll try to briefly tell you what happened. We had a rather nasty individual that was on a cocaine binge, and was breaking into several homes within the county and the city, and he was doing it under the cover of a wooded property. That was his preferred method. Between us and the county we put together a joint task force to do some search teams. My particular unit, the special operations with the EPD, it's our K-9 team, our bomb techs, and our SWAT team. We were utilizing all those for this individual, and we felt that we had to take him off the streets rather quickly. He was getting more and more violent, and more and more unpredictable. So, what Matt and his group did for me, I was setting up search sites, and search teams based on the conventional type map. Well, when you put up a parameter, and you're trying to have your K-9 teams and your search teams go, based on this map, we were very organized as far as our locations, but what we did not have on the paper maps, that Matt and his group were able to do, they were able to zoom in a small search area for us, and we were able to identify bodies of water, wood lines, and also out buildings. Most of these properties where we were going had numerous out buildings, barns, sheds, etectera. Well, it was a logistical nightmare trying to coordinate which K-9 cleared which out building. You're trying to give directions from a wood line or a body of water, and you just could not do it with a conventional map. They were able to put together something for us that we were going to utilize, which ended up being a great benefit. We ended up chasing this guy out of town. We scared him. So, however, we discovered a great benefit that is going to help us in the future, because with what my teams do on a regular basis, we're always having to identify buildings, and lot dimensions, and what they talked about a little bit earlier about the traffic patterns of people coming and going, and we can use that to put together a particular tactical maps and planning.

Roger Lehman: Alright, thank you, Andy. The, in conjunction with safety, both police, sheriff and fire, the GIS Department was asked to assist with the development of the required mapping layers for the new CAD module, the OSSI project. We are providing the street center lines from the aerial photography, and we are working with the public safety to head some of those, and clean those, in other words, be sure the address ranges are right, be sure the addresses we have on buildings is correct. The police department and the fire department, and, I'm sure, the sheriff's will assist us in the field to check those things out. Without this base map, that OSSI project would be depending upon national default data, (Inaudible. Someone coughing.) maps and the like, which are sometimes 600' off, and don't have some streets that exist, and have some streets that don't exist, and a lot of other small projects like that. Lastly, but not least, by any means, I would like to have Sherman come up and talk about, briefly, Thunder on the Ohio and the Blue Angels. Oh, here you go.

Sherman Greer: Last year we used the GIS to, more or less, plan ourselves for the flight path for the Blue Angels that we had here last year. As you can see here, a flight box defined exactly where they were going to be flying through, and also to give us a lot of information on how we could plan for any type of emergency or disaster situation we may have there. Which we don't want to have to do anything, but still yet it helps us out a lot. Also you can look at it from the aspect of after the aftermath of a tornado situation like we've had here from over in Fairfield and down in Providence, Kentucky, what we can do is get a better dollar figure a lot quicker on the destruction that's been done from facilities and homes and (Inaudible. Someone coughing.) that may be, you know, that people may have upon their property. We can get a better dollar figure to apply for a declaration, a federal declaration, a lot sooner, and that really helps us out a lot by being able to pull that information together as soon as possible. So, it's going to help us out a lot in pre-disaster and post-disaster situations. Planning situations, we can run different type scenarios when we know that we've got activities like the Blue Angels or the Fall Festival that happens every year. Thank you.

Commissioner Mourdock: Before you go, Sherman. Dave Matthews made the comment about the potential for all this being pretty unlimited. I'll give you a goal, okay.

Sherman Greer: Okay.

Commissioner Mourdock: I would love to see Evansville, Indiana be the first city in the country that using GIS, coupled with local weather reporting, that we could use one system, and very narrowly define a storm path, and notify everybody on that path by phone that the storm is directly headed their way. In other words, take that box right there. We know very sophisticated methods anymore as to what a storm is doing, and if you put that in there, and you could lay that from Mill Road to St. George Road, or whatever, and that's the path, have every phone in that area light up saying, you know, this is it.

Sherman Greer: That can be done.

Commissioner Mourdock: First goal. First city.

Sherman Greer: That can be done, but it's going to take some specialized equipment to have that done. I mean, there is a computerized system, as of right now, that can notify everyone within a, let's say a hazardous materials incident that

has a plume that's going out, or something of that sort. We looked into that, and it's called the CAN system, Community Alert Notification System. We can do something like that. The problem is identifying those wind directions and everything else with the National Weather Service, but that may be a possibility also with the new Dopplar Radar that's going to be put up around Owensville, it's going to give Paducah a lot better picture of the Evansville area. Also we can use the Dopplar Radar systems that we've got over at Channel 25 that Wayne Hart has, he can almost go right down to the street and everything, so-

Commissioner Mourdock: He can, but the problem I have with that, and I know we've had this discussion in this community for a long time about Dopplar Radar, well, it makes it safer. It only makes it safer if the word is communicated.

Sherman Greer: It's communicated out.

Commissioner Mourdock: It seems to me you have the back half of the equation here. If the Dopplar is the first half-

Sherman Greer: Right.

Commissioner Mourdock: -with this technology that we've spent a bunch of money doing, and I think justified in doing-

Sherman Greer: Uh-huh.

Commissioner Mourdock: -again, it's a goal, but I think you need to take it to that next level to say how you can use that technology to alert those people directly in that path, and have those phones ring, because you ring their house individually.

Sherman Greer: That will be in my budget next year.

Commissioner Mourdock: And from wherever I am next year, I wish you well, Sherman.

Roger Lehman: Can we apply for a state grant now?

Commissioner Mourdock: Sure, you bet.

Roger Lehman: Anyway, that's all we have for this evening. I appreciate the Commissioners patience, and to give us the opportunity, and go through this. Do you have any questions for any of the rest, for me or any of the rest of our folks? If not, we're going to go over and get set up in City Council. We're doing another one of these in house also.

Commissioner Mourdock: I'll make one quick comment, and you can pass this on to the city folks as well, but having been all over Indiana in the past year, I'll bet at least a dozen times, in various city buildings and county courthouses, I have heard of the work that you all have done with this. What we have here really is on the cutting edge. I mean, we are getting great comments all over. People are constantly telling me about the websites they've gone out to. They've looked at Cheryl's site and seen how all this ties together on the assessment side, and all of you are to be complimented. I know there's been a lot of money spent, but I think we are getting to the point where we've got a really good tool, so.

Roger Lehman: Yeah, we've got the big money pretty well past us now. Now, it's just going to be a maintenance type thing. Thank you.

President Fanello: Thanks, Roger.

Roger Lehman: Thank you.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

**Rose Zigenfus: EUTS: Vacation of Ninth Street**

President Fanello: Rose Zigenfus, EUTS.

Commissioner Mourdock: I don't think she's here, is she?

President Fanello: Yeah, she's here. Did you get a copy of the Mayor's memo?

Commissioner Mourdock: The (Inaudible) one? Yeah, I've seen that. Oh, maybe not.

Rose Zigenfus: I'm Rose Zigenfus. I'm the Director of EUTS, and I'm here to discuss a memo that was put together and sent on to, and I think you have a copy of it in your folder.

President Fanello: Thanks for coming tonight, Rose.

Rose Zigenfus: You're welcome.

President Fanello: I think, I know I have some questions, and I don't know if the other two Commissioners have questions, but I'll let them go ahead and start first.

Commissioner Mosby: I went down and had conversation with Rose, I guess, it was on last Friday. Mainly wondering where the information came from on the proposal that was put together. If you'll notice on the map part of the proposal, it shows Ninth Street at Main being closed, which is not true. Then also I was asking about the realignment of the street, because it states that Ninth Avenue would have to be realigned to intersect with Sycamore. Why we would have to acquire right-of-way from Don's Cleaners and Frontier Liquors? I had different questions, and I had to ask Rose. I don't know if these questions, necessarily, are the same questions that anybody else would ask, but, I guess, you know, the first question I have is where the idea came from that Ninth and Main was going to be closed? We sat in this meeting and specifically told Mark Miller, when he came in front of us, that it was not, you know, our proposal to close Ninth and Main to hinder the Curtis Building in anyway. Rose, I'll let you answer that.

Rose Zigenfus: Okay. The memo and the recommendations, if you will, or thoughts or comments identified in the memo, came in response to a memo from the Mayor, who wanted to know what our thoughts were. Pat Keepes and I. So, we sat down with our staff and looked at the area, assuming if the jail is put back there, and the

street is going to be vacated, just like any other street vacation, we've put together our thoughts and comments, and we did that, in a vacuum, I might add, because I didn't come down to see what the plan includes, and David and I talked about that. That's basically all it is. It is just our thoughts and what might need to be done, should you vacate Ninth. Doesn't mean it has to be.

Commissioner Mosby: Okay, were you told that Ninth would be closed at Main, though?

Rose Zigenfus: No, we were, I wasn't told that it was going to be closed at any particular point. We just assumed for our own traffic circulation analysis that it might be as we put it on here. We weren't told anything.

Commissioner Mosby: Okay, so with Ninth not being closed, why would we have to acquire Don's Cleaners or Frontier Liquors?

Rose Zigenfus: You wouldn't.

Commissioner Mosby: And adjacent buildings?

Rose Zigenfus: I mean, you wouldn't.

Commissioner Mosby: Okay.

Rose Zigenfus: The option is there to use the existing Ninth Street. Our thought was if it aligned with Ninth Street on the other side of Sycamore, it might work better as a full four way intersection, rather than two off set intersections, because of the proximity and the amount of traffic that would be using it.

Commissioner Mosby: Okay, I wanted to clear that up as number two there. I'm going to jump back up to the top for a second, and it says traffic will increase in the eastbound lane, eastbound left turn lane at Locust, I guess, you're talking off of Martin Luther King?

Rose Zigenfus: Yes.

Commissioner Mosby: Let me ask you a question, and you got down here in number four that you got an old traffic count from 1994 that says there's 3,000 cars per day go through there. I'm going to take for granted that you've set up counters out here. Did you at any time ever count Ninth Street, and then also count Locust Street, and in the same period of time in the a.m. or the p.m. count the entrances going into the parking lot to tell me where these cars are coming from?

Rose Zigenfus: We did not take counts at the entrances to the parking areas, no.

Commissioner Mosby: Oh, okay.

Rose Zigenfus: We did on Ninth Street.

Commissioner Mosby: Okay.

President Fanello: Can you—

Commissioner Mosby: So, we really don't know where these cars are going? From Ninth or Locust?

Rose Zigenfus: No.

Commissioner Mosby: We don't know where they are going?

Rose Zigenfus: No, we don't. We didn't do a turning movement or anything. We can.

Commissioner Mosby: So, we don't know how many are going into the back 40?

Rose Zigenfus: No.

Commissioner Mosby: Okay, that's fine. I guess, my thought is where do you think most of the cars on Ninth Street are going?

Rose Zigenfus: Currently?

Commissioner Mosby: Uh-huh.

Rose Zigenfus: I think they are going in the main entrance to the back 40.

Commissioner Mosby: To the back 40? Because there is really no businesses back here, so.

Rose Zigenfus: No, and we did get a count, we put down counters on Ninth, both between Main and Locust and Locust and Walnut, and there was one direction. One counter did not work, so we don't have a full count, but the counters that we did get data from didn't show any significant increase. So, I'm assuming that this count from 1994 is probably representative of what's out there. Or close to it.

Commissioner Mosby: Okay, so, I guess, my other question would be, did you do a north count, south count on Ninth Street? Which way was you monitoring the traffic? Or did you just lay it across there both ways, I mean, just counts?

Rose Zigenfus: We did both north and south.

Commissioner Mosby: So, and—

Rose Zigenfus: And that's what I'm saying, one counter did not work, so we don't have the southbound traffic, we have the northbound traffic.

Commissioner Mosby: So, you've got the northbound traffic.

Rose Zigenfus: Right.

President Fanello: Are you planning, can you, or would you go ahead and take counts around the whole perimeter?

Rose Zigenfus: We can.

President Fanello: Because I really don't think that you are going to get good data unless we do it around the whole perimeter of the—

Rose Zigenfus: You want to know how many people are using Ninth to park?

President Fanello: Uh-huh.

Rose Zigenfus: We can do that.

President Fanello: Some of the comments I have, I guess, are you had talked about the work traffic, Centre events, and accessing downtown from the Lloyd Expressway, and I agree with the work traffic, because I believe that that is the majority of traffic that uses Ninth Street. But, if we're talking about the Centre, or if we're talking about accessing downtown from the Expressway, it seems to me that Ninth Street is not the corridor for that. That if they are coming from downtown, they are taking the Martin Luther King exit, heading down Martin Luther King and turning left on Locust. Or they are coming from the Main Street exit, going down Vine and turning, or going down Sycamore and turning left onto Martin Luther King or whatever. So, I don't know that, to me, my question is, I don't know if Ninth Street is really carrying traffic for accessing downtown, because I don't know if the general public really even realizes about Ninth Street. Of course, we all do because we work in the Civic Center—

Rose Zigenfus: Right.

President Fanello: —and I go in and out of here four or five times a day, you know, several days a week.

Rose Zigenfus: Right. Right.

President Fanello: But the general public, I mean, if I was at Visitors and Convention Bureau, I mean, they should be, and events are being held here, or conventions are being held here, or events are being held in downtown, they shouldn't even be telling them to use Ninth Street. They should be telling them to either use the Main Street exit or the Martin Luther King exit.

Rose Zigenfus: Correct.

President Fanello: Richard, do you have any questions?

Commissioner Mourdock: Yeah, Rose, I just want to clarify the origin of this. I heard you, somewhat defensively, a moment ago, so I want to make sure I've got it right. Did EUTS , basically, draft this up after hearing from the Mayor, as a result of this meeting, or these meetings, that we had an interest in doing something different with Ninth Street? Or otherwise saw Ninth Street as a hindrance to what we're trying to do with the jail? Is it as simple as that?

Rose Zigenfus: Yes, it is.

Commissioner Mourdock: Okay.

Rose Zigenfus: It's as if you have followed the issue in the media—

Commissioner Mourdock: Right.

Rose Zigenfus: —the Commissioners have proposed a new jail location on the Building Authority property—

Commissioner Mourdock: Right.

Rose Zigenfus: –and the parking, etcetera, etcetera.

President Fanello: But–

Commissioner Mourdock: And for what it's worth, when I reviewed this, I scribbled the note on here, I can live with this, because one of the concerns I've had, and I know the Mayor and I have spoken of, is the closing of Ninth Street. Because neither of us are, I'll speak for myself now, I didn't like that idea, but because I do believe the jail needs to be close to this building, and while I still have as my first choice the courts parking lot, this does solve one of the problems I had, which was a separation of the jail from the courts building. So, a plan like this rather incorporates the cleaning store over here, and the liquor store and all that, I think that's arguable, at this point, I could go either way, but at least I want to compliment you for jumping ahead of the curve here a little bit, and trying to give us something that we could at least use to visualize how it might be. Because I think this could be something that works.

Rose Zigenfus: Thank you.

President Fanello: Are there any other questions?

Commissioner Mosby: No, just that I would like to see some traffic counts, because–

Commissioner Mourdock: Yeah.

Commissioner Mosby: –and I would like to see them in the a.m., and then also in the afternoon, because I will never be convinced that that many people turn off of Martin Luther King onto Sycamore to go back Ninth Street to go in the parking lot. It would make no sense to me to make, you know, a left hand, right hand, left hand, when you can go straight up to Locust and straight in the parking lot, and it's operated by a turn signal. So, I mean, I would not buy the fact that we are going to increase that much traffic in the eastbound left turn lane out here. So, I mean, I would like to see some counts that actually show me where or how that would increase that much, that there is that many people using Ninth Street going into the parking lot. I mean, Ninth Street is a street that runs from Sycamore, you know, down to Walnut, and to get on it, I mean, you have to be heading one way off of Martin Luther King.

Rose Zigenfus: Right.

Commissioner Mosby: I mean, you can't even come in from off the Lloyd and get onto it. There's no way.

Rose Zigenfus: No.

Commissioner Mosby: Unless you're coming the wrong way down Sycamore, you know, so.

Rose Zigenfus: I've seen that happen.

Commissioner Mosby: I mean, well, and, you know, that might be a thought someday. I mean, I told the Mayor if he wants to look at closing Ninth, we can go

around and come back in Main, and redirect traffic on Sycamore out front, but, I mean, right now you can't get to Ninth from the Lloyd. You have to come off of Martin Luther King, so.

Commissioner Mourdock: Let me ask a question, and maybe I'm particularly dense here tonight, and I'm not against doing the traffic counts, but regardless of what the traffic counts show us, would it cause us to design this any differently? I mean, these roads, or these streets are going to be built to a standard—

Rose Zigenfus: I would think.

Commissioner Mourdock: —that is incorporated, or that, or, yeah, incorporated as part of the City Ordinances. Is there anything that you would find there that you would expect to cause us to do this differently? With different style streets?

Rose Zigenfus: The only thing that I could envision might be done differently are the approaches to the main streets—

Commissioner Mourdock: Okay.

Rose Zigenfus: —and whether you need a left and a right, or a left and a shared and a through right, you know what I'm saying.

Commissioner Mourdock: Okay.

Rose Zigenfus: So, I don't know that anything more significant than that would come out of it.

Commissioner Mourdock: Okay.

Rose Zigenfus: But we'll be more than happy to give you counts. I'll get with you, Catherine, or David and figure out where you want us to get those counts from.

President Fanello: I was going to say one more, because you mentioned with the newly opened Main Street, have there been any traffic counts taken since Main Street opened?

Rose Zigenfus: No. No.

President Fanello: I would probably like to see that information also.

Rose Zigenfus: Typically, when there's a new project like Fulton Avenue, the industry standard says you should probably wait six months for traffic patterns to stabilize.

President Fanello: I don't think we have six months. How long has Main Street been open?

Commissioner Mourdock: 90 days.

Rose Zigenfus: I don't know, two or three—

President Fanello: 90 days.

Rose Zigenfus: Maybe two or three months. I've lost track. I don't know, but I would be more than happy to get counts on Main Street as well.

President Fanello: Okay, and then I'll probably sit down with you and talk about this realignment, because I'm really, I'm still, repeating Richard's phrase here, may be being dense, but I'm not understanding the need for it.

Rose Zigenfus: And maybe it's not that (Inaudible. Someone coughing.) You know—

President Fanello: I'm just looking at it, and I'm not understanding the need for it, so, and it would be an added cost of acquiring the right-of-way, so I'll sit down and talk with you about it, but I'm not getting it here.

Rose Zigenfus: Let me just ask a question, is the area that's blocked out in white—

President Fanello: Uh-huh.

Rose Zigenfus: —the entire site that you are looking at? Or is that too large?

President Fanello: I think, and I didn't bring mine from, well, I did. I think it's a little bit too large, but not—

Commissioner Mourdock: Well, let me be the devil's advocate here. If, in fact, we went with this plan, then the area that's currently shown here in the cleaner's building could begin to be that site, and that might even alleviate us of more parking space further to the east. So, that whole thing would kind of move to the west.

President Fanello: So, are you taking...is this Don's Cleaner's right here?

Commissioner Mourdock: Yes. Right.

President Fanello: Okay. So, we're not taking Don's Cleaners there. Yeah, that's Don's. Okay.

Rose Zigenfus: Well, I—

President Fanello: So, you've taken the maintenance building over here is what you've...okay, and that would be correct.

Commissioner Mourdock: What is—

President Fanello: This is Don's Cleaners.

Commissioner Mourdock: What is this building?

Rose Zigenfus: This is another small building that has come in recently as a restaurant or something.

President Fanello: Yeah.

Rose Zigenfus: (Inaudible. Stepped away from mike.)

President Fanello: Okay. So, that—

Rose Zigenfus: You know, our thought was if you wanted to incorporate all of this as parking for the jail, or additional parking if you do take that, that was our thoughts.

President Fanello: Okay.

Rose Zigenfus: But certainly, (Inaudible. Stepped away from mike.) definite.

President Fanello: Okay. Any other questions?

Rose Zigenfus: So, we'll get counts and we'll be back in, I guess, two weeks.

President Fanello: Okay.

Rose Zigenfus: We'll get counts and we'll come back with those.

President Fanello: Alright. Thank you.

Rose Zigenfus: Thank you.

<b>Rodenberg Bridge</b>
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President Fanello: Okay next item is David Mosby and John Stoll, Rodenberg Bridge.

Commissioner Mosby: Did you know that was on there? You just kind of gave me a funny look.

John Stoll: I saw it earlier, whenever I (Inaudible. Not at mike.)

Commissioner Mosby: I had, excuse me, I had another phone call the other day, and I can't think of the guy's name now. I think he's in the process of selling his house out there, and somebody was going to buy it, but he is going to, he's kind of in limbo because the bank is not wanting to loan any money. Same as, I've had two or three people that I've talked to that are trying to buy out there, I believe they have put money up, earnest money, out of their own pocket to try to acquire a loan, but then the banks aren't going to loan to buy anything, same as the other situation. Rodenberg Bridge, I don't know if the other two Commissioners are very familiar with it. I went out there, drove it, it's a very small bridge, probably, 12' wide—

John Stoll: Right. Single lane.

Commissioner Mosby: —sits on some concrete block head walls, if you want to call it that. Doesn't look safe to take a go cart across, as far as I was concerned, when I went out there and looked at it. I was given some minutes that date back to, I think, 1971 when Jack Siebeking was Superintendent of the County Garage, where they did go out there and do some work on this bridge, and, basically, I guess, brought it, what would be called up-to-date, at that point in time. Since then the bridge has deteriorated even more, and it's coming down to a point where somebody's got to do something with it. Not only, you know, do you have a problem of, I would say, the banks not loaning money, and anybody being able to sell, or buy, or move, there is a real public safety hazard there, as far as I'm concerned. As a member of public safety, and on the Fire Department, that's part of my area. When I go back tonight, I mean, that will be the area that I'm protecting, and God knows I wouldn't take a fire

truck across there. There's no way. I'm not sure the smallest of fire trucks, we wouldn't take one across there.

Commissioner Mourdock: Is this the only county access to the people on the other side?

John Stoll: Yeah, it's a dead end.

Commissioner Mosby: This is it.

Commissioner Mourdock: Which part of the county are we talking about?

John Stoll: It's off of Harmony Way. Rodenberg runs west, and the road kind of meanders as it gets back towards this old structure.

Commissioner Mosby: All the way back to the end.

John Stoll: We've never had any good records that showed exactly what the end of the county's maintenance is. There was an old sign out there, just on the east side, north side, I know, the thing kind of meanders, but, basically, there was a sign that said end of county maintenance just prior to this bridge structure. We've never really found any records that back that up on the fact that truly is the end of the county's maintenance. Likewise, we've never seen anything that says that the county's maintenance runs across the structure and on out to the dead end of the road. Like David said, there's records in the old minutes that show, at one time, the County Highway Department had done some work out there. Like when we discussed this last, I don't know where this falls in as far as the county's obligations. It's something that Kevin would have to look into, but I know the county got sued for Westchester and Wittman on that same basis, and they wanted the county to accept those streets, and the residents of that subdivision lost, and the county didn't accept those roads.

Commissioner Mourdock: That was the one off-

John Stoll: St. Joe.

Commissioner Mourdock: -yeah, St. Joe and Mill.

John Stoll: Right across from the garage.

Commissioner Mourdock: Yeah, right.

John Stoll: So, where all that lies, I don't know. I spoke to Bill Rister who was the property owner out there, and asked him to give me copies of the document, well, not give me, bring copies of all his documentation that he has on this down to my office, and then we made copies, and I would forward them to Kevin for him to take a look at to see what obligations we had out there. Because, at this point, I don't know. We don't have any good records that define where the county's maintenance really ends on this. Just like Commissioner Mosby said, the structure is not sound, by any means, as far as taking a fire truck or any kind of vehicles across, for that matter.

Commissioner Mosby: I truthfully don't think you could get a vehicle back there. There's no way.

John Stoll: And the road itself leading up to it is very narrow, once you get back in that area, as well.

Commissioner Mosby: I mean, I guess, what I'm looking for would be a direction, maybe, from the County Attorney on his thoughts, and the direction from this Commission, you know, on whether, it's, you've seen it, it's a small bridge—

John Stoll: Right.

Commissioner Mosby: —as far as I'm concerned, I mean, I was thinking if we just put a box culvert in it and pave over it, you know, I mean, would be sufficient, because it's not that big of a bridge, and it's not that big of a deal.

John Stoll: In talking to Bill Nicholson, who was working for one of the people who was looking to build over there, he had sized it and he felt that a 6' X 5' box culvert would handle the flows through there. I'm not sure, entirely, whether or not this is in the flood way or not. Some of the studies imply that it is, others said it's not in the flood way. It's just north of it, so, I'm not sure, but there might be also a permitting issue there. The 6' X 5' box is what Bill Nicholson had come up with.

Commissioner Mourdock: How many houses are there on the other side of this bridge? That have sole access?

Commissioner Mosby: I drove up there, I'm going to say, probably, right at this point, is there eight or ten houses, and then there's a lot of acreage that, some people have acquired some acreage back there, but they are not able to get a loan from the bank, and the banks aren't going to loan anybody to build back there until something happens.

Commissioner Mourdock: Is there any question, once you cross the bridge, that the road has, in fact, been dedicated to the county?

John Stoll: In talking to Mr. Rister he says he was selling his property, he was setting aside a right-of-way, on that side of the culvert.

Commissioner Mourdock: But that's one of eight or ten.

John Stoll: Well, I can't remember how many lots he had set up out there, but he had set it up throughout the entire tract that he was selling. So, off the top of my head, I'm not sure what the total length was, but—

Commissioner Mourdock: Okay.

John Stoll: —it sounded like it would be a pretty good stretch of the property on the other side of the culvert.

Commissioner Mourdock: A pretty good stretch of road that the county would have access—

John Stoll: That there would be a dedicated right-of-way.

Commissioner Mourdock: —or would (Inaudible. Talking over each other.) acquire, yeah.

John Stoll: I've not been back there for probably a couple of years. This issue came up several years ago, and it was never really resolved then, and that was the last time I was back there. So, I'm not sure what the lot count, or how many houses are back there or anything.

Commissioner Mourdock: Before, I think it appropriate, before we act, we need to know what the county's obligations are, and what we have by way of rights and obligations to maintain whatever the road is on the other side of that bridge. So, I would suggest that maybe, Kevin, if you could take a look at whatever the title work is over there, or otherwise round it up to see what we've got. Because we can't, if there's any question about what we're doing here, putting a bridge into somebody's property, where the road on the other side doesn't come up to county road standards, or we don't have the obligation or requirement to put that in, that's a whole other issue.

Commissioner Mosby: Well, the road on the other side is definitely not county standards. The only thing that I'm worried about is the bridge that leads to the other side, and we have worked on that bridge, at one point in time. Did we, at that time, accept responsibility, and have we given implied consent that we're responsible for that.

Commissioner Mourdock: And that's exactly what the situation was in the earlier case that John was talking about off Westchester.

John Stoll: Westchester and Whittman.

Commissioner Mosby: I guess, my other thought is, if something happens back there tonight, or tomorrow night, or whenever, unfortunately, that there would be a fire, I mean, you're not going to get a vehicle across there, and what kind of liability have we incurred then, so.

John Stoll: And unlike out there at Westchester and Whittman, we do, absolutely, there have never been, there had never been a formal acceptance here on this, out on Rodenberg. We can't find any records. I don't know if somebody could find something that said it was the county's, I mean, then, yes, it's, obviously, ours.

Commissioner Mourdock: Yeah, and if that's the case, then I'm gung ho, and let's do it.

John Stoll: It's just, I guess, the only difference between that and Westchester and Whittman, there was no doubt, we knew Westchester and Whittman they were not county accepted. Here, we don't think it is, but we don't have any definitive records that really prove it.

Commissioner Mourdock: Okay.

Commissioner Mosby: So, what would be the attorney's thoughts here?

Kevin Winterheimer: If you want my thoughts, and that's what you just asked for. Many times you don't get a definitive answer until it is actually litigated in court. You know, what it comes down to, many times, is did the county do work, so you're implicitly or taxably accepted, at that point. That gets down to a judgement call, by a judge, in many cases based on the particular facts of the case. Another thing is what did the parties intend it to be, and what did they treat it as. If it's been used for

more than 20 years, and they've treated it as a public road, in other words, if anybody came down it, they didn't run them off with shotguns, or something like that, saying this is my property, get off of it. Let people come and go, as normal traffic would come and go, all be it is a dead end road, then it can, very well, end up being a county bridge, in this case. I guess, I don't know, I could probably research it till forever and still not come up with a definitive answer. I guess, the bottom line is, on this, is the Commissioners may do it, if they so choose. I do not think that if you choose to replace the culvert, bridge, whatever it is, that would be your discretion to do so, if you wanted to. You mentioned Mr. Siebeking, it's obviously been there more than 20 years. I've been down that road, but not to the end of it where you are talking about, but, I mean, obviously, it's been there, what 50 years maybe?

John Stoll: I'm not real sure.

Kevin Winternheimer: More than 20, certainly.

John Stoll: Right.

Kevin Winternheimer: There's a number of houses, and if they've been, if the owners have been treating it as a public road, meaning they've not kept people off, but people have been allowed to come and go, and it's basically been used as a public road, then it may be.

Commissioner Mosby: I mean, it's had to have been there at least 40 years or so. I mean, from the looks of the bridge itself. John, what would, you said they sized it as 5' X 6', what would something like that cost us?

Commissioner Mourdock: I'll write down my number.

John Stoll: (Inaudible. Talking away from mike.) something like that.

Ralph Kissinger: It was \$385 per foot for a 5' X 6' box culvert. I think, we figured we would need 40'.

John Stoll: I was going to say, at least 30' or 40'.

Ralph Kissinger: Say it's in the upper 30's.

Commissioner Mosby: \$365 a foot times 40'. 400 would be \$16,000, so—

John Stoll: Yeah.

Commissioner Mosby: —you know.

John Stoll: By the time it was installed and everything.

Commissioner Mosby: Can we install it?

Ralph Kissinger: No. I do not have anything that can pick up...I'm sorry.

Commissioner Mosby: Well, I mean—

Ralph Kissinger: We don't have any equipment. Possibly, the only, I have installed that size pipe, yes. I did it on some railroad, but there was a lot less constraint there.

I mean, I had a lot more room to work. I can do it, but it's going to take some rental equipment, and some sub contract people. Yes, I can do it. It may be cheaper to contract it. I would have to look at it both ways.

John Stoll: I would have the same difficulty. I mean, just like for your fire trucks, it won't be an easy site for them to get back to to set the box.

President Fanello: We have plenty of bridge money, you know, at this point, so.

Commissioner Mosby: Well, that's my thought. I mean, we have the money in the bridge fund, and why would we want to go through litigation and all this to try to determine who is and isn't responsible. I would rather spend the money, and then put the culvert in, as opposed to tying it up in court for a year and spend taxpayer money to determine nothing. I'm looking for an opinion from the other two Commissioners.

Commissioner Mourdock: What do you think the total project would cost? I mean, obviously, the culvert is only a part of it.

John Stoll: I guess, the issue would be how long we have to run the approaches out. As far as making it passable for two way traffic, but ballpark numbers, I would say at least \$25,000. By the time you put 30' or 40' out there, you would probably have guardrail out there on both sides of it, and to do it right, we would definitely make it passable for two way traffic. The existing road leading up to that, of course, is not two lanes wide. The other issue would be whether or not right-of-way acquisition is required.

Commissioner Mourdock: Uh-huh.

John Stoll: Ballpark, I would say at least \$25,000.

Commissioner Mourdock: That doesn't include the pipe.

John Stoll: Pardon?

Commissioner Mourdock: What was the pipe going to cost? The culvert?

John Stoll: Sounds like about \$15,000.

Commissioner Mosby: I can't see it costing much more than that. I mean, \$350 a foot at 40'.

President Fanello: We're talking about citizen safety, really, I'm not concerned about it. We have, you know, extra bridge money, at this point, so.

Commissioner Mourdock: I'll do this. I'm willing to say let's get a report back from John as quick as we can, as far as what additional access we're going to have to have, which we're going to have to have. What we might have to otherwise buy by way of having the approach widths. Just get us a good budget estimate as to what it's going to be. I'd still like some idea that once we build this, that we are going to have the obligation, not that it's necessarily a bad obligation, but have the obligation to maintain the road on the other side as well. So, I mean, we can start that process.

John Stoll: The, I can get with Phil Nixon to find out if the research that he's done, to this point, for his client, who lives on the other side of the culvert, whether or not, what right-of-way documentation he's found. I'd say he's probably got a pretty good amount of that already. I can get with him to find that out.

Commissioner Mosby: I'm all in favor of that. If you can get back with us next week.

John Stoll: Okay.

Commissioner Mosby: I mean, whatever the Commission is wanting.

President Fanello: Yeah, because we're gonna...we won't have a meeting on the 27<sup>th</sup>, right?

Commissioner Mourdock: Correct.

President Fanello: So, we'll just have next week's meeting, and I really don't want to wait, I mean, personally, I'm not interested in putting a price on citizen safety and access in and out of the road. I would rather just move forward tonight and let's say let's get estimates and go forward, so. That's my thought.

Commissioner Mosby: I don't have a problem with that. That's why I brought it up.

President Fanello: It doesn't matter to me what the budget figures are. It doesn't sound like they are going to be astronomical.

John Stoll: The biggest issue could be the right-of-way, I would think.

President Fanello: Yeah, I would just like to see it done. Start moving.

Kevin Winterheimer: Perhaps we could get some right-of-way donated by the people that want to sell their houses up there. They're the one's that are trying to buy and sell.

John Stoll: The problem is that never works that way. They won't be the one's (Inaudible) this project.

Commissioner Mosby: I'll make the, excuse me, I'll make the motion that we go ahead and have John put together some figures on moving forward with replacing the so called bridge with a box culvert, and that we see if whatever right-of-way we need that the people out there on both sides would donate the right-of-way to make the adequate two lane transition that we need.

Commissioner Mourdock: I'll second that you put the figures together and report back next week.

President Fanello: So ordered.

John Stoll: Okay.

President Fanello: Thank you, John .

President Fanello: The next item is, each of you have in your packet a letter, I spoke with someone over at the Centre, and they were kind of had this issue still lingering, and were wanting to know what we wanted to do with the sculpture that was donated. Here is a picture of the sculpture.

Commissioner Mourdock: That is the famous sculpture. Okay. Looks like something Indiana Tube produced.

President Fanello: I'm glad you said that, not me.

Commissioner Mourdock: It does. If you've ever been through the plant, it looks identical to one of their condensers.

President Fanello: But, the issue at hand, is whether or not we want to pay, or partially pay, excuse me, any installation to put the structure up.

Commissioner Mosby: Me and Kevin was trying to (Inaudible. Mike not on.) The guys upside down, and when you turn it this way (Inaudible. Mike not on.)

President Fanello: So, I'm looking for direction from the Commission, so that I can give the Centre some direction.

Unidentified: Who's the artist?

Commissioner Mosby: The lovely lady from the Courier & Press said it looked like something I was hauling out of my radiator shop this week.

Commissioner Mourdock: A gentleman by the name of McNaughton is the artist.

Unidentified: John McNaughton?

President Fanello: It was, the sculpture was donated, but it would cost quite a few bucks to have it installed. I think, maybe, approximately, about \$4,000 to have it installed.

Commissioner Mourdock: Yeah, \$3,680 was what proposed in December of 1999.

President Fanello: And I don't know if that figure still holds true, but I'm going to assume it does. So, does anyone have any comments?

Commissioner Mourdock: Have we gotten, and I know we've gone through a generation with this here, I think, but it refers to Ogden in the letter, and, obviously, now Ogden is now SMG. Have you heard anything more as far as who's contributing what, because there were to be some costs split (Inaudible. Talking over each other.)

President Fanello: Well, I think, there was a letter that was lost, because there was another letter with this that was more current. I gave all my things to Tammy to put in the packet, so it may have got stuck in between something else, but I would have to check, but it seems to me like that was addressed in the other letter.

Commissioner Mourdock: Let me do this, I'll say, I would move that the county participate to the tune of \$1,000. I know there were several other estimates made, and there were several other groups or people who were willing to do something.

President Fanello: Uh-huh.

Commissioner Mourdock: So, if they're willing to do that, up to \$1,000, I would move that the county participate.

President Fanello: Where are we going to get the \$1,000? I guess, we'll have to go ask for it.

Commissioner Mourdock: I would say so. We have a couple Councilman here. I see they haven't rushed out of the room.

Troy Tornatta: Isn't that a public relations fund?

Commissioner Mourdock: That's a good thought. Public relations, yeah, maybe Visitors and Convention Bureau could help.

President Fanello: There you go. Well, we'll explore where we can get the \$1,000, but do I have a second?

Commissioner Mosby: Where are we putting this?

President Fanello: Over at the Centre.

Commissioner Mosby: Where at at the Centre? I mean, that's my next question.

Commissioner Mourdock: That was my thought with wondering if they'd talked to the people who were managing the place, but I suspect there's some wall space over there. From the look of the original letter, and when they came up with that \$3,600 figure, they, obviously, had looked at some specific space.

President Fanello: Why don't, before we commit money, why don't I get that question answered, and also get a question answered as to if SMG is going to contribute, or if anyone else is going to contribute money before we go forward.

Commissioner Mourdock: I think that is in the letter, at least the letter that's not here, I think.

President Fanello: I believe it is. So, I can call over to Sandie Aaron and get another copy of the letter.

Commissioner Mosby: I would also like to know if there is going to be an on-going maintenance to this?

President Fanello: We'll check that, we'll check that out.

<p><b>Open Bids for VC02-05-03: Repair and Repaving of Various Roads</b></p>
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President Fanello: Kevin Winternheimer, permission to open bids for VC02-05-03, repair and repaving of various roads.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

Kevin Winternheimer: Any bids from the audience on this or anything else? Seeing none. We have, it looks like, two bids. First bid is from E & B Paving, Inc. of Evansville, and the total they have listed is \$327,338. The last bid is from JH Rudolph and Company, Inc. of Evansville, and their total is \$327,680. That's all the bids I have.

Commissioner Mourdock: Whoa!

President Fanello: Alright. Do I have a motion to take under advisement.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Next item—

Commissioner Mourdock: \$332.

<b>Agreement with Will Fosse</b>
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President Fanello: Next item, agreement with Will Fosse, and that agreement was for the specs on the roof and the windows. Our money was appropriated by Council, and we did get approval from the state today, so that money is in place. Kevin has several suggested changes to the contract, so I would probably, and I got these on Friday after this was already on the agenda, so I would probably suggest that we hold this for one week until everyone, until he has time to talk to Will, and make any suggestions.

Commissioner Mourdock: Okay, and I don't know if it was intended, my packet had only Kevin's changes, without the contract as a whole.

Kevin Winternheimer: Yeah, but you want me to just—

President Fanello: Oh, but not the contract.

Kevin Winternheimer: —briefly mention what they are?

Commissioner Mourdock: Sure.

Kevin Winternheimer: Then you can think about it. Again, being new here, I'm not exactly sure what you like and don't like, so I just used my own discretion here. On the instruments of service, that's the drawings and the documents. I think you ought to own those, so that's my suggestion. If you own them, however, on some other project, if they want to use any information or expertise they gain from doing this, we have no problem with that. That's what I used to do on my city contracts. If we do use them on something else, and there's some kind of harm that will indemnify and hold them harmless, because, generally, the intent is that we only use these specs and drawings on this project, and that's quite common. Under mediation, I have no problem with mediation, however, they had this rather elaborate procedure for mediation using the construction industry mediation process, and the American Arbitration Rules. My personal opinion is, those can be quite cumbersome, and

quite expensive, so I intend to leave the paragraph saying we can mediate any problems we have with the architect, however, we will use local mediators, and the mediation will not be binding, which, in effect, eliminates arbitration. Under my number three there, I would rather go use a local judge than an out of town mediator or arbitrator to try and resolve the problem, if we have one with the architect. And too, that arbitration process can be quite expensive, as well. On the multipliers, my suggestion was, for extra work or work beyond the scope of the contract, we use a multiplier of 1.0. In other words, they would recover their actual costs, both for architects and for any products, or whatever they may use on it. Not add anything over their actual costs. On, under 1.5.7, they had a provision there for prepayment. I generally like to pay as work is done, not prepay. So, my suggestion is we eliminate all that, and just say the architect may bill monthly for services rendered, rather than prepay. Then elaborate provision, I will talk to him about this, but where we provide surveys and other things under my, I think it's my number seven, if I'm reading off the same one you are. I don't see where that's necessary. It doesn't apply against the standard language they had in there. If it does apply, I want to know what they intend us to supply, rather than this hodge podge of getting surveys on this roof project, and all that. I don't see that that is necessary. Then I added one at the end, where they will be responsible for getting the common construction wages. I assume this will be a prevailing wage, common construction wage project, and, usually, the architect takes care of getting those, getting it through that process. Those are my comments, and like I said, this is the first one I reviewed. If you are, generally, comfortable, I'm not asking for a vote, but if we're on the same wavelength here, I will forward a letter to them tomorrow, and contact them and tell them that's my preference in the contract.

Commissioner Mosby: I will make a motion that Kevin goes forward, and I agree with about everything you said.

Commissioner Mourdock: I will second, and suggest you give yourself three gold plated "at a boys", Kevin. Those are exactly the kind of comments we need to have in this contract. I would still like to see a copy of the contract—

Kevin Winterheimer: Yeah.

Commissioner Mourdock: —and I don't have a problem. I understand, I didn't get it.

President Fanello: We did give you one. I passed them out about a month ago. So, you might look and see if you still have one, but I passed them out in the meeting.

Commissioner Mourdock: Oh, it was that long ago.

President Fanello: Yeah, it was.

Commissioner Mourdock: Then it's probably in my packet.

President Fanello: Okay.

Madelyn Grayson: I'll also need a copy of that document for the permanent record.

President Fanello: Okay.

Madelyn Grayson: May I make a tape change before we go forward?

President Fanello: Yes.

(Tape Changed)

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board? Seeing none. No.

Troy Tornatta: Troy Tornatta, Vanderburgh County Council. I would like to skip forward because I've got another appointment. I'm talking about the Vanderburgh 4-H Co-Op Extension. Susan Plassmeier is here. We would like to take another week, if it's okay with you, and look over, and negotiate, not negotiate, I know that's your deal, but talk about the contract with the owner.

Commissioner Mourdock: This is on the Kahre contract?

Troy Tornatta: Yes. Uh-huh. We've been unable to touch base with one another, and I was unaware that this was coming up today, so.

President Fanello: What—

Commissioner Mourdock: I'm fine with that. I was going to ask the question, how it is with that contract not expiring until, I think, February of next year, why we were getting ready to do it now, in light of the fact that, as Catherine has talked about, we were looking to do this total space utilization study.

President Fanello: Yeah, but I don't think the Purdue Extension would, probably, be out of place served in the Old Courthouse.

Troy Tornatta: Right. They are, since they are an extension also of the 4-H—

President Fanello: Uh-huh.

Troy Tornatta: —and their deals that they do, I'd like to see them by the 4-H Center. The movement was to get them even closer to the 4-H Center.

Commissioner Mourdock: Buy the 4-H Center? Oh, b-y, okay.

Troy Tornatta: Adjacent to the 4-H Center, and they had even looked at some property that would put them, possibly, even on the property of the 4-H grounds. So, in lieu of getting away from that, we thought we might talk to Mr. Kahre about renegotiating his contract, and maybe tightening that down a little bit more. With the numbers that are out there per square foot, we think that there is a better opportunity for this outfit. They would not like to move. They would like to stay where they are, but there are opportunities to find other locations, and we think we can save the county some money by doing that, so.

President Fanello: Well, he already lowered the rent, so what are you—

Troy Tornatta: What's the number? I'm not aware of it.

Commissioner Mosby: The number—

Commissioner Mourdock: I'll agree with you though, Troy, I mean, as long as we're negotiating, we're negotiating. If there's another spot that we might get to. The one thing that struck me too, and I think the original term on that was four years, as I recall. The way this one's proposed, it's seven.

Commissioner Mosby: No, the original term was seven or ten. If you look at exhibit B.

Commissioner Mourdock: But there was a renewal in there, I think.

Commissioner Mosby: No, there was an amendment in there. Exhibit B was an amendment, because I've seen that old contract. The old contract was about \$500 or \$600 higher than what we've negotiated here. If you'll, there's a study out there that I can get you a copy of. It's from David Matthews, and it will show you that your suburban multi-tenant stuff, and it actually tells you that the total "b" space surveyed, goes from anywhere from \$8 to \$16. This contract is 4,235 square feet for \$3,200, which is \$8. So, it's at the very bottom end of the David Matthews study right here on the suburban. I mean, I mean I'll have to agree that—

Susan Plassmeier: It depends on how you divide it out—

Commissioner Mourdock: She needs to—

Madelyn Grayson: Susan, can you come to the mike?

President Fanello: Come to the mike.

Commissioner Mosby: You need to come to the mike.

Troy Tornatta: I know it was upwards of \$10, and then—

Commissioner Mosby: Well, yeah, somebody was very gracious to these people about six, seven years ago.

Troy Tornatta: Right.

Commissioner Mosby: I mean, because they were paying, well, when I looked at that contract, and I showed it to Kevin, what was it \$3,800 or \$3,900 per month. I mean, we've got it down to \$3,212, which is \$8 a square feet. According to the contract, 4,235 square feet.

Troy Tornatta: We were coming up higher than that. That's why I wanted to make sure.

Commissioner Mosby: Well, I mean—

President Fanello: Well, there's more than one way—

Troy Tornatta: It was a \$10.56 per square foot hit, which was about \$44,000 a year.

Commissioner Mosby: Well, do you not have 4,235 square feet? Divide that by \$3,212 and tell me what you get.

Susan Plassmeier: Actually, I did, and I did come up with—

Commissioner Mourdock: State your name, please.

Susan Plassmeier: Okay, Susan Plassmeier, Vanderburgh County Co-Operative Extension Service. I did, and I did come up with an \$8 figure. It depends on whether you divide it by month, or by the year. Because one way you come with an \$8 figure, and one you come up with \$10.56. I've never figured it out. Why there would be that difference. It's odd. It perplexes me.

Commissioner Mosby: It's odd to me too.

Susan Plassmeier: It did, because I was like, there's no way. Because I was coming up with the \$8 figure, and then, you know, when we talked, and my Extension Board—

Commissioner Mosby: Well, how did—

President Fanello: It should be...you should be dividing it by your monthly figure.

Commissioner Mourdock: When the amendment took place, was there a change in the amount of square footage?

Susan Plassmeier: No. The amount of square footage, and I don't know that I have...I have the second amendment to the lease, and that's what you were talking about.

Commissioner Mosby: Amendment B?

Susan Plassmeier: And—

Commissioner Mourdock: And why was there an amendment?

Susan Plassmeier: Originally, I was not involved in the original contract, but as I understand it, originally, the contract was for ten years, and the Commissioners signed the contract without input from the County Council. The County Council thought, maybe, that was too high of a lease, and so it was renegotiated at that time, because, originally, I think, it was for ten years, to be renegotiated at five years. Then they went back and renegotiated it more quickly, because, actually, the original ten years would not even be up yet.

Commissioner Mourdock: Right.

President Fanello: Uh-huh.

Susan Plassmeier: So, I think, until like seven years, it expires January 31, 2003.

Commissioner Mosby: If I remember, that's what I read. It went to a seven year contract, and then it said that six months or more prior to the contract—

Troy Tornatta: Right.

Commissioner Mosby: —that we would go ahead and renegotiate this one.

Susan Plassmeier: We have been in contact with Mr. Kahre.

Commissioner Mosby: That's what he said. He said he had talked with you also.

Susan Plassmeier: Yeah. Yeah, and so, you know, he is willing to refinance to lower the rent rate, but we just haven't agreed on an amount.

President Fanello: To lower it even lower than \$3,200?

Troy Tornatta: What is the total for the year? Is there a total for the year?

President Fanello: I don't have a calculator in front of me. \$3,212 times 12.

Commissioner Mosby: It's \$3,212 per month times 12.

Commissioner Mourdock: Let me just add a bit of strategy here.

Susan Plassmeier: It's \$3,727 a month.

Commissioner Mosby: No.

President Fanello: Well, but he's willing to lower it.

Commissioner Mosby: See you're working off the old one. We're working off the new one. We've renegotiated this at \$3,212. Your \$3,700 figure is no good anymore. We've done talked him down \$500 a month.

Commissioner Mourdock: Troy, your comment—

Commissioner Mosby: Which is \$6,000 a year.

Commissioner Mourdock: —(Inaudible. Talking over each other.) Have you spoken with him? With Kahre?

Troy Tornatta: I have, I have done an \$8 figure, and I was coming up with \$36,000 a year figure.

Commissioner Mosby: Yeah, that's where you're getting \$10.

Troy Tornatta: And, so, some of those numbers I wasn't understanding. That's why—

Commissioner Mosby: Well, she says she's working off the old figures.

President Fanello: Yeah, there's a newer one in our packets.

Commissioner Mosby: It probably was \$10 a square foot back six or seven years ago when they negotiated that, but we've got this negotiated down now to \$3,200, which is \$8 a square foot.

Troy Tornatta: Well, I know last year we were paying somewhere in the area of \$44,000.

President Fanello: You were paying \$3,700 a month. Now, he's negotiated \$3,200.

Commissioner Mosby: That's what I say, they were very gracious six or seven years ago.

Troy Tornatta: Right.

Susan Plassmeier: That \$3,200 is when the lease was renegotiated four or so years ago? Is that what you are saying?

President Fanello: No. This is—

Commissioner Mosby: This is today.

President Fanello: —today.

Commissioner Mosby: This is what we have negotiated.

Susan Plassmeier: You've already talked with him to negotiate?

Commissioner Mosby: Yes.

Susan Plassmeier: Okay. See we weren't aware of that.

Commissioner Mosby: Yes. We have done negotiated—

Susan Plassmeier: Okay.

Commissioner Mosby: —this is in the contract, what we are getting ready to sign. It's 4,235 square feet at \$3,212 a month.

Troy Tornatta: Okay.

Commissioner Mosby: Which is \$8, or less than \$8 really. We were looking, and I went back and had a survey that I had from David Matthews that shows, and this is north side space, low \$8 and high \$15. I mean, it's got north, east, west—

Susan Plassmeier: Right. Right.

Commissioner Mosby: —this is all the suburban, multi-tenant—

Susan Plassmeier: Uh-huh.

Commissioner Mosby: —and, I mean, we're at the very low end.

Susan Plassmeier: Okay.

Commissioner Mosby: I mean, we're as low as you can get.

Susan Plassmeier: Right.

Commissioner Mosby: Okay.

Susan Plassmeier: I had gotten like a \$7 to \$9 figure.

Troy Tornatta: Do you have to sign this today?

Commissioner Mourdock: No.

Troy Tornatta: Let's hold off one week. That's what I requested.

Commissioner Mourdock: Because what I heard Troy saying, is you think you may have a lead on some space that could otherwise be, perhaps, less expensive.

Troy Tornatta: We had talked about that. I don't know if that's what's going on, but in lieu of what we've found out, I'm just saying, give me a week. Let me, now that she knows what she's got, I want to talk with them and make sure they're comfortable with it, and it's a week. So, we can come back next week, and put it on the agenda.

Commissioner Mourdock: Given that the lease isn't due until February of next year, I will move that we pull it from tonight's Consent Agenda.

President Fanello: Are you their liaison?

Troy Tornatta: Yes.

President Fanello: Is that what? Okay. I'm still not wondering, I'm still wondering what we are going to accomplish here over the next week? What's the goal here?

Troy Tornatta: Well, I'm—

Commissioner Mosby: That's my question. What is the goal?

Troy Tornatta: The goal is I want them to go through and see the numbers and be comfortable with it. We don't need to do this. It doesn't matter. It's one week, and I've yet to get a call back from Mr. Kahre myself. We were going to talk before this thing went down. I didn't know it was going down tonight. I didn't have that...that was not presented to me. She did not know until today, because she called me about it. So, I'm saying, all I request is a week, and then if nothing turns out, you just run till next week.

President Fanello: Okay. Second.

Susan Plassmeier: Thank you.

President Fanello: You're welcome. Is there any other group or individual wishing to address the board?

Roger Madden: Roger Madden. Do you guys have anything to do with the Lloyd project at Boeke and Vann?

President Fanello: It's a state project, but we can definitely give our input.

Roger Madden: Okay, is there some reason that while they are out there doing that work for \$7.4 million, they didn't go ahead and put in a bridge at Vann, and be done with it?

President Fanello: That would probably be a question...if John Stoll is familiar with the project.

John Stoll: I'm not (Inaudible. Not at mike.)

President Fanello: That would probably be a question better for Rose Zigenfus who is head of our Transportation Study Department.

Roger Madden: So, that possibility was never discussed when anything—

President Fanello: It would be a better question for Rose. I mean, she's the head of the Transportation Study. So, she would be better equipped to answer that question.

Roger Madden: Okay. Did they happen to find out where the extra \$82 million is going, compared to the local contractors doing the jail?

President Fanello: \$82 million? I don't know what you're talking about.

Roger Madden: That's what was on the news that local contractors could do it for \$82 million less than whatever the jail project people were going to do it.

President Fanello: Could do what for \$82 million less?

Commissioner Mourdock: What Dave is referring to, or—

Roger Madden: Roger.

Commissioner Mourdock: —Roger, I'm sorry, Roger. What Roger is referring to is when, I think, it was Ed Hafer and the private guys—

Roger Madden: I think it was Industrial, yeah.

Commissioner Mourdock: —came through, they came through...yeah, and Industrial, they came through with a 20 year life, and it's a difference of the 20 years is the \$82 million.

President Fanello: Oh, okay. So, what was your question again?

Roger Madden: So, that's what it was? It was just something over a 20 year span?

President Fanello: Uh-huh.

Commissioner Mourdock: That's what the \$82 million was, yes. Was the difference over the 20 year, 25 year, whatever the life was that they planned for.

Roger Madden: So, the \$4 million difference was per year would be related to what?

Commissioner Mourdock: I'm not sure what the \$4 million difference is you're referring to.

Roger Madden: Well, 82 over 20 years, would be \$4 million a year.

Commissioner Mourdock: Yes, without any discounting.

Commissioner Mosby: I mean, if I remember what—

Commissioner Mourdock: The present value of money not being (Inaudible. Talking over each other.)

Roger Madden: (Inaudible. Talking over each other.) difference?

Commissioner Mosby: No, no, it wasn't our bid difference.

President Fanello: No.

Commissioner Mosby: If I remember correctly, and that was what I pointed out. They had went through, and we tried to give what we thought was a true cost on gas and electric, trash, supplies, the whole nine yards. Well, they come through, and as an example, because I don't have my papers, but we had like \$400,000 in for gas and electric, they cut it to \$200,000. We had \$50,000 in for BFI, they cut it to \$25,000. We were going to buy \$100,000 worth of supplies, they were going to buy \$50,000. Then they compounded this out over years.

Roger Madden: Okay.

Commissioner Mosby: Well, true, if that gas and electric only costs \$200,000 for them, it's only going to cost \$200,000 for us. So, I mean, that's not a true comparison of what they were trying to say that night.

Roger Madden: Okay.

Commissioner Mosby: That's where it was coming from, because I pointed that out that night. I said, BFI's not going to pick your trash up cheaper than mine, and SIGECO's not selling to you cheaper than me. So, if you're figures are right, I did real well, because I saved a ton of money. But, if you're figures are wrong, I got the true figures. You're savings aren't going to be near as much, and if you're savings are that, mine will be that.

Roger Madden: Okay. Is there a footprint available for where they're planning on putting the jail right now?

President Fanello: That's what--

Roger Madden: The public can look at.

President Fanello: --we're working on.

Roger Madden: Will the different possible footprints then? Locations? I mean, I'd always suggested it be put in here, stack it, wall it in. You've got covered parking, you've got access to the court building, etcetera, etcetera. Judges have covered parking, you know, versus out in Egypt somewhere.

Commissioner Mourdock: At this point, there isn't a specific footprint. The motion was made a few weeks ago by David, and seconded by me that we act to keep the jail at the Civic Center. So, the potential footprint, if you will, is, basically, the near corner of the back 40 parking lot, also known as the back 13, plus the courts parking lot, plus the land in between there. That's what we are presently working on.

Roger Madden: And what are they going to do if you take part of the parking lot? A parking garage? Was that--

Commissioner Mourdock: We've had that discussion, but we've also discussed the fact that there are more spots available within the parking lot as whole than

presently are being used. In other words, those spots are bigger than they might need to be, and we might be able to do it there without having to build a new parking garage.

Roger Madden: Okay.

Commissioner Mourdock: That's been discussed.

Roger Madden: And on the Rodenberger Road, when you decide whether to do that or not, you might want to take into account eight lots times the taxes per year times 20 years, and see how much you're going to be, the city will be, or the county will be taking in, versus what it's going to cost to put in a one bridge and road. Not to mention the public safety aspect. He's says there's eight lots back there.

Commissioner Mosby: I don't know how many lots are back there, but I, you know, I'm not going to put a price on life.

Roger Madden: Yeah.

Commissioner Mosby: So, as far as I'm concerned—

Roger Madden: I mean, that's just something else taking into account—

Commissioner Mosby: Right.

Roger Madden: —for a good reason to do it.

President Fanello: Thanks, Roger. Any other group or individual?

Phil Hoy: I'm not sure...I have two things. You mentioned Mr. McNaughton's sculpture. I did have a constituent comment. There is a piece of McNaughton sculpture right by the entry way, the spiral.

Commissioner Mourdock: Oh, that's his too?

Phil Hoy: As I affectionately call it the IUD.

President Fanello: I could have done without that comment, but okay.

Phil Hoy: There is a trash can...art is in the eye of the beholder, I suppose. Anyway—

President Fanello: Let's move on to subject number two.

Phil Hoy: I'm going to move on, Commissioner. I thought we needed, maybe, a little more levity tonight, but there has been a complaint about the fact that there is a bolted down trash can in front of Mr. McNaughton's sculpture. If you all could look into that, this person would appreciate it. The other item, I was asked to bring you a copy of the lease that involves the Soil and Water Conservation District. It is really not our lease. Do you want me to do that now, or when we do our report? Because I have copies of that for you, and comments on it. I wasn't sure when to do it.

President Fanello: You can wait until your report, or you can give it to us now.

Commissioner Mourdock: He's on a roll.

President Fanello: He's on a....he could, in fact, probably, go ahead and give his report, while he's up there.

Phil Hoy: We could, if you want us to.

Madelyn Grayson: Is there an extra copy of that, Phil, for the record?

Phil Hoy: You can have mine, as soon as I'm finished with it.

Madelyn Grayson: That would be great.

Phil Hoy: This, there has been a lot of confusion, and I think that's why this was asked for. In this building on 41 North, are housed the Indiana Department of Natural Resources, IDNR, and the NRCS, and the Farm Service Administration, and the Soil and Water Conservation District. If you will read this carefully, we do not pay this rent, the county, but the Feds pay it, and it's attached to Farm Service Administration. So, you can read the rest of it there, but that was asked for.

Commissioner Mosby: Phil, I'll be honest, I was the one that asked for it--

Phil Hoy: Okay.

Commissioner Mosby: --this afternoon, and, I mean, it tells me exactly what I was looking for. 2,300 square feet for \$2,800.

Phil Hoy: Uh-huh.

Commissioner Mosby: You know, so, basically, I wanted to see how good of a deal we were getting here. This is \$8 a square feet, and we're paying Mr. Wortman \$10 a square feet on this.

President Fanello: It's actually twelve something.

Commissioner Mosby: Yeah, I was just wanting to make a comparison, because I knew he had the building out there for Soil and Water.

Phil Hoy: I wasn't sure, and I, you've got a long meeting, and I don't want to extend it too much, but connecting with what Mr. Tornatta was talking about, the ideal situation in most counties is to have the four groups I just mentioned, that are in this location, and the Extension Service all in the same building. I don't know whether that can be accomplished or not, but speaking as Chairman of SWCD, that would be very good to have.

President Fanello: So, Purdue would go to Mr. Wortman's building?

Phil Hoy: No, I'm not saying that at all.

President Fanello: Okay.

Phil Hoy: No, I'm saying that looking at the long range, which you all may want to look at. A lot of counties have all five of these together, and they do interface with each other a great deal. That's just for your consideration. I don't know when, I know this contract, because I just looked at it, but I don't know when one ends and

the other begins, and whether you can mesh that or not. It's something to think about. I have a notion that Mr. Tornatta has something like that in mind.

Commissioner Mosby: Well, this one, evidently, doesn't end until December 31, 2005.

Phil Hoy: Yeah.

Commissioner Mosby: So, we've still got what 3 ½ years on this one.

Phil Hoy: There's some time. That's 3 ½ years, yeah.

Commissioner Mosby: The other one's ending the first of the year, which, I mean, now there might be the possibility that we go back and renegotiate, like a four or five year contract, and make it come due about the same time as this.

Phil Hoy: I don't know. This one has to be negotiated with FSA. I do know that. So, I wanted to pass that on to you. Thank you.

Commissioner Mosby: Okay.

President Fanello: Thank you, Councilman. Any other group or individual wishing to address the board? Seeing none. Move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: The first item I've got is a set of plans for Section Two of St. Charles Cove Subdivision. This is located off of the west side of Petersburg Road, just south of Boonville-New Harmony. There is an existing section of St. Charles Cove that consists of a couple of cul-de-sac streets. It's a pretty small subdivision. Basically, all they are doing is extending west off the current dead end of the road, and adding these two cul-de-sacs. I've reviewed the plans, and recommend they approved, subject to...the consultant does need to make a change on his sidewalk details to make sure that his ramps are compliant with ADA, but other than that, everything else looked fine on his plans.

Commissioner Mourdock: Motion to approve with the stated condition.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: I was going to hold it for you too. Can I sign by John's name.

John Stoll: I guess, I need to sign too. Some of them put my name on it, some of them don't.

Commissioner Mosby: I'm still President on here. Does that get you more pay?

John Stoll: Next, I've got a request for street acceptance in Bridlewood Subdivision. This is located at the northwest corner of Boonville-New Harmony and Fisher Road,

and the streets that are being requested are Bridlewood Drive, and that's 146'. 762' of Grassmere Lane, and 142' of Rosshire Drive. These streets were constructed in general accordance with the approved plans, and it's requested they be accepted.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I've got a request for acceptance of a street in Burkhardt Lynch Business Park, Section Two. This is 951' of Loehrlein Drive. Here again, it was constructed generally in accordance with the approved plans, and it's requested it be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I have a change order on the Mill Road Bridge #1360 Rehab Project. This is for a net increase of \$2,810.51. We had under runs and over runs on numerous items, and the net change was the \$2,810. It's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I have another change order. This is on the Church Road Bridge Project. This was contract number VC-01-12-02. This is for a net increase of \$1,636.66. On this project we had over runs on back fill and asphalt, primarily, and then we had some under runs on some stone, and some sodding. It's requested this be approved also.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

John Stoll: Next, I would like to request approval to go ahead and send the Bridge Inspection Agreements to INDOT. These do not require your signatures right now, but we do need to forward the agreements to INDOT. They will review the agreement, and then turn around and forward it back to us for your signatures. The agreement is for \$84,300, which is approximately \$570 per bridge. The County Attorney has reviewed these agreements, and found them to be okay.

Commissioner Mourdock: Who's doing the inspections?

John Stoll: Pardon?

Commissioner Mourdock: Who is doing that inspection?

John Stoll: R.W. Armstrong.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I've got a request from Koberstein Trucking, Incorporated, in regard to the Evergreen Acres Drainage Project. They are requesting a time extension until June 30, 2002, due to the weather conditions we've had, plus conflicts with utilities. It's requested this be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: This is just for the record. It doesn't need a signature.

President Fanello: Okay.

John Stoll: Next, I would like to request that contract VC02-05-02, the Boonville-New Harmony Road Culvert #191 Removal and Replacement, be awarded to CCC of Evansville for the amount of \$21,329.85. They provided the low quote on the project.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Now, I've got a sidewalk waiver request for Section C of Spring Park Subdivision. This is located off of Booker Road west of Red Bank Road. Here's the plat of that portion of the subdivision. It's just a small section of the subdivision. The Area Plan Commission did not require sidewalks as a condition of approval of this subdivision. So, it's requested this be, this sidewalk waiver request be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to reject the counter offer we received on Parcel #35 on the University Parkway Project. This was a \$25,000 counter offer from Ms. Barbara Fendrich. The offer was \$8,475, and I would like to request that that be rejected, and proceed to filing condemnation.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Also, on that same project, I would like to request Commissioners reject the \$187,489 counter offer on Parcel 17 owned by the Nurrenberns. Request authorization to give a counter offer for the amount of \$6,500 per acre for that parcel.

Kevin Winternheimer: Well, I think all we were asking, at this point, is to reject their offer.

Commissioner Mourdock: Uh-huh.

John Stoll: Continue negotiation.

Kevin Winternheimer: We can file suit, if it becomes necessary. That would be my recommendation.

Commissioner Mourdock: Right. Pursuant to that recommendation, I would say so moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Okay.

Commissioner Mourdock: But, if you, as we begin that process to begin condemnation, if you want to, again, have some discussion with them, along the lines you just mentioned, then maybe that would head off that law suit.

John Stoll: Okay.

Kevin Winternheimer: We would bring any counter offers back to you for your consideration.

Commissioner Mourdock: Right.

John Stoll: Okay. Next, I've got a memo to hand out in regard to County Line Road. This is the portion between Posey County Line and Denzer Road. Back at the road hearing, Mr. Barry Mueller showed up and stated his concerns about the condition of County Line. Basically, saying it was narrow, and there were some hills that needed to be cut down to improve visibility and things like that. I met with him and his neighbors last Monday and looked over the situation. Basically, the road is about 14' wide, give or take. We did a preliminary check of right-of-way. We could only find documented right-of-way in three platted subdivisions on that road. That, probably, constitutes less than half the total frontage on one side of the road. Other areas we weren't finding any documented right-of-way. Given that, plus the fact that the length of the road is 4,800', what I'm suggesting in this memo is that if we do pursue a project, that we have a consultant take a look at it, who can give us some alternatives on the basis of completing a survey, and really giving us some more detailed data. Right now, we just took a preliminary look at, and there are some problems that need corrected, but, right now, there's not anything budgeted to take care of it, and it's hard to put together any accurate budgeting figures until we know, really, what we're looking in regard to the right-of-way, and what we can do.

President Fanello: Thank you.

Commissioner Mourdock: So, that's more informational than needing a motion.

John Stoll: Right. Basically, after you get a chance to take a look at it, if you want to proceed with getting a consultant, let me know, and we can proceed in that manner. The last item I've got is, I just wanted to let you know that we sent out notices to contractors to request quotes for the removal of the Old Henderson Road Bridge #1541, and will be replacing it with a pipe. The quotes will be due back next Monday. This is on what's called green light curve down there on Old Henderson Road.

Commissioner Mosby: Is this the one we're going to request they work extra time?

John Stoll: We've got it set up to where they have to have the road...they have to have it open to traffic in no more than three days. They close it on a morning, they can keep it closed two nights, and they have to have it open by, I think, 4:00 on that third day. We set it up to where the work is to be completed by the end of June. So, they just need to find a window when the weather looks suitable to get the thing done in that three day time frame.

Commissioner Mosby: The reason being, if you are familiar with green light curve, the detour would be about three miles to get around it. So, that's why I was talking to John. It's very heavily used during the Summer. So, we've got to do it at some point in time. If we do it during the Spring, kids are in school, and school busses come through there. If we do it during the Summer, your boaters are affected, but one way or the other we've got to do it.

John Stoll: Hopefully, the weather will start cooperating.

Commissioner Mosby: If they could pick rainy days, they won't be going boat, but that don't work with their schedule, so.

John Stoll: That's all I've got, unless you've got any questions on anything else?

President Fanello: Any questions? Thank you, John.

John Stoll: Thanks.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. I have, I think it was in the March meeting when John Stoll and I were requested to get some quotes on milling. Let me give you these quotes. I called several paving companies, and also talked with John and Tom Goodman at the Engineer's office. Charbon Bridge is who does all the milling for all the contractors around. I could really get no one else. The quote I got was, the amount of units they had was, 32,710 is what we came up with a unit price of \$1.14 a foot. So, that brought it up to slightly over 30, I had it figured up, \$37,289 for what milling needs to be done—

Commissioner Mourdock: Time out, Ralph. You said \$1.14 a foot. Did you mean a yard?

Ralph Kissinger: \$1.14 per unit is what I meant to say.

Commissioner Mourdock: I still didn't hear you.

Ralph Kissinger: Per unit.

Commissioner Mourdock: Which is a square yard.

Ralph Kissinger: Yes.

Commissioner Mourdock: You said a foot, but it's a square yard.

Ralph Kissinger: Yeah.

Commissioner Mourdock: Okay.

Ralph Kissinger: We had it figured at 32,710 square yards at \$1.14. So, that brought it up, the price, to actually \$37,289. Like I said, John, I believe, can verify, but we don't know who else to get quotes from. Apparently, they pretty well have got a monopoly in this area.

Commissioner Mourdock: E & B and Rudolph don't do their own milling?

Ralph Kissinger: They use Charbon Bridge. Yeah, I talked to Ron Miller with E & B, and I talked with Kevin Canable and another gentleman at Rudolph, and they all told me the same. Charbon Bridge is who they use.

Commissioner Mosby: Is this something you're needing to do right away? Or is it something we're checking into?

Ralph Kissinger: I need to get approval soon, so that I can schedule them, schedule our time with their time, so as soon as they finish milling, I would like to have our paving operation right behind them. I don't want to leave the road milled for several weeks. So, the sooner I can get an okay on whether we can or can't, I can coordinate with them. I'm sure, with the weather the way it's been, they are going to get really busy, really quick.

Commissioner Mourdock: We don't get any credit going back into the asphalt plant for the recycle rap or anything?

Ralph Kissinger: I am working on that with E & B and Rudolph now. To see what we can do on the credit, but he, the gentleman from Charbon said that E & B was going to supply trucks for them, so, E & B has asked if we would take the millings there. We are buying some mix from E & B, so I'm trying to get something worked out there, but I haven't yet, no.

Commissioner Mosby: So, do you have this money in your budget? Is there enough there to cover?

Ralph Kissinger: I set aside so much before we started making road lists. As I said, I may have more money later, I may not, but I needed some milling prices, and I

think that with what we have now with this price, I shouldn't have to eliminate any roads, but we already have gotten one increase this year. The price that was bid on the asphalt emulsion and asphalt tac was at one price, and it's gone up substantially, so we've had a price increase per the agreement, and the signed contracts with the three suppliers. So, I don't know how much it's going to affect the total outlook, but I know last months bills it increased by around \$800. So, it's some, but I don't know if it's enough to start cancelling roads. So, I want to say yes, but I can't say 100%, yes, I do have the money. There is money in the budget, and there are two roads that are, that can be set back to next year if we have to set them back. They are not, what I consider, a total emergency that have to be done this year. Which there would be more than enough money. Plus, with the elimination of County Line east, I mean, County Line west from the road list, there should be enough money in there. Did I make that complicated enough for everybody to understand?

President Fanello: Clear as mud.

Ralph Kissinger: I didn't mean to.

Commissioner Mosby: It was a little bit more than I was looking for that's for sure.

Ralph Kissinger: County Line west, actually, we will not be doing anything this year, since John made his recommendation, so, I think, I have enough money, is the answer I should give you.

President Fanello: Any comments?

Commissioner Mosby: I guess, I'll make the motion that we approve the milling, if it has to be done.

President Fanello: It's the only quote we have.

Commissioner Mourdock: I'll second. When we do get the asphalt, let's make sure you document what we get in credit for the rap.

Ralph Kissinger: Certainly. No problem. I think we should get something for it. I have one more thing. The last time we met, it was requested that I get a copy of a warranty on a truck that we had discussed buying. I got those to Mr. Winternheimer now, so I think that each of the Commissioners should have gotten a copy of it in the packet two weeks ago. I talked to Mr. Winternheimer. Everything seems to be in order on the warranty.

Kevin Winternheimer: Yeah, I don't claim to be an expert on truck warranties, and don't necessarily understand all the parts that were mentioned, but, yeah, I have no problem with it. It looked like a used vehicle type warranty to me. Obviously, it's not a bumper to bumper, but you're not going to get that on a used vehicle, but I have no problem with it. Ralph was fine with it, with what it covered, so I have no problem with it.

President Fanello: We didn't get one in our packet.

Ralph Kissinger: I can, as soon as I get finished here, I can make copies. I do have one here, if you would like to look it over. I will make some copies for you.

President Fanello: Alright.

Commissioner Mosby: I thought I seen that. Go ahead and give it to Richard.

President Fanello: Oh, I was going to have him make copies.

Commissioner Mosby: Oh, okay.

Ralph Kissinger: I can make you some copies of it. Before I proceed, I want to make sure that you got the comments from Mr. Winternheimer. I didn't want to proceed just on his word. I thought I needed to bring it before you. I didn't think that I had the authority to continue without yours.

President Fanello: Any other questions for Ralph?

Commissioner Mourdock: Yes. Knob Hill Drive. A couple of weeks ago I mentioned that to you, and you went out and looked at a pipe, and then you came back and you raised a question, I think, about how much access we had to it, and you were going to check that. What's the latest?

Ralph Kissinger: We're still checking. I've got John checking a couple of right-of-ways for me, and as far as the access, I can access it, but I want to make sure that I'm not getting into something that's off right-of-way.

Commissioner Mourdock: Okay.

Ralph Kissinger: Some of those ditches are on, some are off, and I have to be very careful about that.

Commissioner Mourdock: Okay.

Ralph Kissinger: As you know, the landowner—

Commissioner Mourdock: Yeah, let me give the phone number of somebody, and I'll have you give him a call.

Ralph Kissinger: Certainly.

Commissioner Mourdock: I'll just write it on the back here.

Ralph Kissinger: Alright.

Commissioner Mourdock: While I'm writing this, did you have a pink slip you wanted added to the Consent Files? Did that get in?

Ralph Kissinger: It's here.

Commissioner Mourdock: So, that's prepared? So, I would move that we add a pink slip from the Highway Garage to the Consent Files.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Here you go. Give that fella a call. That's his phone number.

Ralph Kissinger: That's all I have, unless you have any other questions.

President Fanello: Any other questions?

Ralph Kissinger: And your word is good by me, Kevin.

President Fanello: Thank you, Ralph.

Ralph Kissinger: Thank you.

**Kevin Winternheimer: County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: It's nice going third, because the first two took about half the items I had on my list here. So, I don't need to repeat those. First, this is a matter we discussed in Executive Session, a couple of hours, several hours earlier. Mike Shopmeyer of Kahn Dees Donovan and Kahn has been representing the county and the Convention and Visitors Bureau on a law suit. The Convention and Visitors Bureau has approved the settlement, and Mr. Shopmeyer, as the attorney on the law suit, recommends settlement of this law suit, as do I. The law suit is by the Convention and Visitors Commission and the Board of Commissioners of Vanderburgh County versus Texas Stoneleigh Hotel Limited Partnership, and Alvin Granoff, individually. The settlement offer is for, I'm sorry, this involves the Innkeepers Tax, and a question about how much tax was owed, and not paid. The settlement is for a figure of \$50,000 plus \$7,500 in attorney's fees. For all the reasons we discussed in Executive Session, I'd recommend approval. I noticed on the, and I did not notice it previously they have signature for David Mosby, President, we can just strike that out, and make that change, but I would ask for your authorization to have the Board President sign the settlement and release.

Commissioner Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: With that change, so moved.

Commissioner Mosby: If we didn't change, would you still say so moved? Second.

President Fanello: So ordered.

Kevin Winternheimer: The second matter I have is there is an EEOC complaint by an Oscar McGee, a former employee. The EEOC has asked that the Board consider any offers that he made to settle his claim. He made an offer of approximately \$8,000. Mr. Jay Ziemer is handling this matter for the county. He recommends rejecting the offer, and I concur.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Kevin Winternheimer: That takes care of the litigation. As far as other matters in another law suit, this is the, I can't remember her first name, Harris, Sue Harris and

14 women versus the county, et al. There are interrogatories that have been submitted to the County Commissioners. We need to have the Commissioners, actually, approve those. The attorney handling it is working on those answers. The bottom line is, I need to have an Executive Session prior to Monday's meeting. It shouldn't take more than 10 or 15 minutes, just to go over the questions and the proposed answer, so that in your meeting you can adopt those answers as the Commission's answers to those. The alternative to that is to authorize one Commissioner to sign them, but I think this is the better way of doing it. So, if you would set an Executive Session.

President Fanello: Do I have a motion for Executive Session?

Commissioner Mourdock: For 5:00 next Monday?

President Fanello: Yes.

Commissioner Mourdock: Second. I'll make the motion.

Commissioner Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: I'll second.

President Fanello: So ordered.

Kevin Winterheimer: Lastly, I've been looking over some of your practices and procedures, and I have some ideas on some ways, I think, can save you some money, and make it easier. I'm trying to put those down in a list, and I'll submit them to you. I think Madelyn, in particular, will be thrilled with some of these. If you consider them, then we'll adopt them and formalize them. Some of the practices, I'm not just a person that likes rules, but I think it makes it easier on people to see how you do things to hand them a set of rules and say this is how we do things. I think it may be an improvement, if that's what you want to do. But, I'm working on those, and the first thing I was doing was finding out what all you do, and then trying to make improvements. I'm trying to use my 21 years of experience with the city to try and make improvements, if they are, in fact, improvements. So, that's all my report.

President Fanello: And, just to add to that, I've also submitted to Kevin a purchasing policy to review for the county, and he's also reviewing the Data Board, new Data Board Ordinance that the Mayor agreed upon also.

**Superintendent of Buildings**

President Fanello: Superintendent.

Patty White: No report.

President Fanello: Okay.

**Gary Hohman: Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: The only thing I have in addition to our work report is an update of what is forthcoming within the next few days. We have the Olympic size pool, that it was filled this past weekend. Water temperature, I will not elaborate on, but the patrol boys unit that will be out there this coming Thursday, you'll probably here them all the way up here. That group will be followed on the 21<sup>st</sup> by two other large school groups that will be there, and the pool will open to the general public the following Friday, the 24<sup>th</sup>. That's all I have, unless you have any other questions.

President Fanello: Are there any questions? Thank you.

Gary Hohman: Thank you.

**Soil and Water Conservation District**

President Fanello: Soil and Water.

Phil Hoy: I probably should say I like Mr. McNaughton's sculpture very much, and, in fact, I like his work, but I just can't resist that piece of humor. As you all know, I have trouble resisting that bit of humor. We have a number of things to report, and I've asked Norma Granderson, our Water Quality Specialist, to report. She has some photos from the project we told you about last month. So, I'll just turn it over to her.

Norma Granderson: The first thing is, and I had to borrow some of these, so I can't give them to you, the laminated ones, from the Pigeon Creek (Inaudible. Not at mike.) They are of the zoo composting project that we worked on. It's still under way. I was out there today, as far getting a lot of...I didn't take any more pictures, because they haven't got a lot of the plants in yet, that the weather's just not permitted it. So, as that comes along-

Madelyn Grayson: Norma, can you please speak into the microphone.

Norma Granderson: Sure. I'm not used to speaking into a mike. Also, before I get into some of the soil erosion things, I just wanted to mention because I have been doing some water quality with Mr. Obenshain. We did work with a group from Stanley Hall Alternative School, and they honored us on their honors day this past week. I think it was a very positive experience for both the students and myself. I have been trying to get out a lot of things to libraries. I participated in Ag Days and Earth Days at the schools, and a display at the zoo. I feel like with that we've reached, at some level, several thousand people over the last couple of months. Also, I just recently participated in a wetland workshop, and I'm hoping to be able to work into some of my public awareness, because there is a lot of difference in stream, the data and the norms in streams, and that in wetlands. I'm working a lot, with also trying, people, one of the things that our office gets a lot is what can we do as an individual? Besides working with the developers, working with individuals. So, I'm trying to incorporate a lot of that. I did, Mike Wathen and I just recently also took some basic GIS training in Indianapolis. NRCS, within the last week has loaded their GIS files onto my computer, so that I have a couple of the surrounding counties and Vanderburgh County. I don't have a lot of the themes. They are trying to get some more for us, but we do have that. I'm still working with it. It's new. Then on to the soil erosion, currently, well, first I wanted to talk about this one, because it does involve the county. It's Copper Creek Subdivision. There was a complaint when they worked on refurbishing the dam, is my understanding. I have not been

out to, this is something Mr. Wathen has been handling. The, one picture is of the work that they did, and have completed. The second picture is where that was draining into, although a county road ditch is contributing to the problem, it is my understanding that the County Engineer and Mr. Kissinger have both been notified by Mr. Wathen, and that they said they would try to deal with that issue. That's at Boehne Camp Road. I believe I wrote on there. These are just random pictures, I know it's the new excuse of the century, but the computer did not want to cooperate this afternoon with giving me all the pictures that I wanted of different...we have seven subdivisions right now that are in some stage of being, we have complaints against them, and they have been turned over to DNR. Most of them are working to improve the situation. There are some mulching going on. McCutchan Court, I think you're aware of, was an issue with the dam, possibly, not holding. It didn't have the spillway, which you can see they have now added to it. So, those are pictures, except for one subdivision of the seven that are with DNR right now. We have, of course, with all the rain, we have had a tremendous amount of local ordinance complaints, and pretty much, I would say the majority of them are being handled with a visit, and explaining to the people what they need to do. So, do you have any questions?

Commissioner Mourdock: I do have one question. The one dam that shows the concrete spillway with the two vertical stand pipes, which one is that?

Norma Granderson: That is McCutchan Court. That is one where the dam...there are several pictures of that where the dam actually has breached, we know of, at least twice. The County Surveyor and several others have been out there working, trying to get that done. They just recently, within the last month, have put in the spillway, and replaced the one overflow pipe with two. There are still some issues going on there, but they are doing what they've been asked to do.

Commissioner Mourdock: The final design for that includes the concrete spillway that's just, basically, at the crest of the dam, but then not down the slope, so, if the water goes over, it goes over that little bit, and then runs on the soil.

Norma Granderson: Yes. It's, and, actually, that goes into part of the problem there is it goes into a much smaller pipe, and everything was designed for it to go into that pipe. There's still a lot of juggling around with what's going to work and what's not going to work. He is, at this point, doing what he's been asked to do. He is following the plan that was accepted. So, and what the status is on the construction of the dam, I don't know, because that was, you know, moved out of our office. We've reported it, and then we don't have any jurisdiction over that.

Phil Hoy: Yeah, that has to do with drainage, and what happened there was, the gentleman who had built this received a drainage plan from the Surveyor's office, but didn't follow it.

Commissioner Mourdock: Okay.

Phil Hoy: And now he is following it. This was, we hope that disaster is not going to happen, to be honest with you. Because I went out there too, I went out there with the state officials, and not a good site.

Commissioner Mourdock: Uh-huh.

Phil Hoy: The dam was about ready to cave in. It wasn't built right. So, that's probably the toughest one we're dealing with right now.

President Fanello: Thank you.

Phil Hoy: Thank you.

Madelyn Grayson: May I have those pictures for the record please?

Commissioner Mourdock: All but the laminated ones, right? All but the laminated ones. You needed those back.

Norma Granderson: I can try to get a copy of those. Would that be okay?

Madelyn Grayson: If you could, that would be great.

Norma Granderson: Okay

**Ozone Officer Report**

Commissioner Mourdock: I would move that we have the Ozone Officer's Report added to the record, since it was submitted to us.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: Consent Items. Do I have a motion to accept Consent Items?

Commissioner Mourdock: We added that one. Did we have a formal motion to pull that lease agreement?

President Fanello: Yes.

Commissioner Mourdock: I guess we did.

President Fanello: That was your motion.

Commissioner Mourdock: Okay. Yeah, I'll go ahead and approve the Consent Items then.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

**Old Business**

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<sup>1</sup>Consent Items listed on Page 59.

President Fanello: Old Business. I have Old Business, if nobody else does. Last week, I believe, Kevin presented his statement that he feels like we need to pursue hiring someone to help us out with the personnel policy. So, there is an RFP. If everyone is okay with it, I would like for this to go out tomorrow. Make a motion to advertise it.

Commissioner Mourdock: Sure, and is City/County Purchasing going to do that for us, and get it out on the street?

President Fanello: I'm sure that they'll--

Patty White: (Inaudible. Mike not on.)

President Fanello: Yeah, okay.

Commissioner Mourdock: I'll move that we go ahead and advertise then.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: I'll need a copy of that for the record.

President Fanello: Second item I have is, I have proposals on the kitchen design consultant for the jail project, which they have all been reviewed by me and the Sheriff and Deputy Chief. The recommendation is for the lowest bidder, which is at, if I can find it in here. Nothing like being prepared.

Commissioner Mourdock: While you're looking, these are the, basically, the architects, if you will, for the kitchen aspect of the design?

President Fanello: For the kitchen, yes.

Commissioner Mourdock: So, it's not, we're not talking hardware here, we're talking about just the people who will do the design function.

President Fanello: Right. I believe, that Paul Summers took back the contract with him because I had questions about it, and I wanted him to strike a few things from the contract. I can hold it till next week, but the lowest bidder was \$14,000. The other two were approximately \$30,000 a piece. I believe everyone was comfortable with the low bidder. So, I can, really, I was looking for direction, because they would be the one signing the agreement. So, would you rather see the contract next week?

Commissioner Mourdock: They will sign the agreement, meaning United will sign it?

President Fanello: Yes. Just like we did the site survey and everything.

Commissioner Mourdock: If that's the recommendation, and that it's clear that they fall under the auspices directly of the architect. I don't have any problem going with it.

President Fanello: If that's, I mean, if we want to sign it ourselves we can. They were under the impression that they were going to do it, just like the site survey.

Commissioner Mourdock: Right. That's my recollection too, so.

President Fanello: Okay. Alright, but that was the low bidder, \$14,000 something.

Commissioner Mourdock: I don't know that we even need to, under the contract, provide consent, but I move that we draft a letter indicating the acceptance of the low bidder as the kitchen design architect.

Commissioner Mosby: Second.

President Fanello: So ordered. Next item I have is having to do with, as we have picked our three people for the Jail Authority Corporation, we don't really sign any documents at this Commission, and we really have to keep separate from that authority. So, what we need to do, per our bond counsel attorney, is to send them a letter proposing that they have a meeting over the next couple of weeks to meet and organize and sign the necessary documents that they need to sign. So, I just need a motion from this Commission that we send those three board members a letter proposing that they meet on a such and such date, at a such and such time.

Commissioner Mourdock: I'll move that we send such a letter.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And then a question goes along with that, will they be hiring separate counsel?

President Fanello: No. Kevin will serve as their counsel.

Commissioner Mourdock: But, you just said we need to keep distance from them. Do we have a conflict?

President Fanello: Well, we can't set the meeting time for them, and the date, or sign any of their documents. That was just the bond counsel attorney said we need to propose a date that they meet and organize.

Commissioner Mourdock: Okay. I just don't want us to put Kevin in a conflicting position.

President Fanello: That was the bond counsel's recommendation was that he serve as the counsel.

Commissioner Mourdock: Okay.

President Fanello: Other than that, I think that's it for me right now, unless anybody else has any Old Business.

Commissioner Mourdock: No.

<b>New Business</b>
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President Fanello: New Business?

Commissioner Mourdock: No.

President Fanello: Do I have a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 7:45 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Burdette Park	Center Assessor	Pigeon Assessor
County Council	VCCC	County Clerk
Prosecutor	The Centre	Circuit Court
Knight Assessor	County Highway	Auditor

**Travel Requests:**

Health Department	County Engineer	Prosecutor
SWCD	County Clerk	DADS
Legal Aid		

**Request for Service:** Circuit Court: Probation Department

**Commissioners:** Weekly United Jail Update Report.

**Recorder:** Declaration of Surplus Equipment.

**The Centre:** Council Call Request.

**Area Plan:** Summer Intern Contractual Agreements.

**Auditor:**

Financial, Cash and Expenditure Report.  
Accounts Payable Vouchers.  
Pass Through of Grant Application for Seat Belt Enforcement.  
Pass Through of KRONOS maintenance agreement.  
Pass Through Grant Agreement for HIV Substance Abuse Program Fund.

**Treasurer:** Submit monthly report.

**County Assessor:** Declaration of Surplus Equipment.

**County Clerk:** Submit monthly report. (March)

**Sheriff:**

Submit Weekly Jail Information and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Patty White
Madelyn Grayson	Roger Lehman	Brad Mills
Steve Fuchs	Matt Arvay	Laura Lamb
Rick Barter	David Matthews	Carolyn Rusk
Andy Chandler	Sherman Greer	Rose Zigenfus
Troy Tornatta	Susan Plassmeier	Phil Hoy
Norma Granderson	John Stoll	Roger Madden
Ralph Kissinger	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
May 20, 2002**

The Vanderburgh County Board of Commissioners met in session this 20<sup>th</sup> day of May, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Board of Commissioner meeting, May 20, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby; myself. To my left, Commissioner, or, not Commissioner.

Suzanne Crouch: Thank you.

President Fanello: Richard Mourdock is absent tonight. County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the minutes from May 20<sup>th</sup>?

Commissioner Mosby: Motion to approve minutes.

President Fanello: Second, and so ordered.

**Approval of May 20, 2002 Executive Session Summary Minutes**

President Fanello: And then we need a motion—

Commissioner Mosby: I also will make a motion to approve the minutes from the Executive Session that was held earlier this evening at 5:00, and adjourned at 5:25, and discussed was legal matters only.

President Fanello: Second, and so ordered.

**Open Quotes for VC17-2002:  
Computer Replacement & Upgrade**

President Fanello: Phil Lawrence, open quotes for Computer Replacement and Upgrade, and RFQ's for Computer Services Outsourcing.

Phil Lawrence: I think another bid just came in.

President Fanello: We did just have one bid delivered for Computer Replacement and Upgrade. It was delivered to the office right after 5:25.

Kevin Winternheimer: Do I have that already?

President Fanello: It was in a brown envelope.

Phil Lawrence: No, it's not.

President Fanello: Patty, she does have it, correct? Yes, you have it.

Phil Lawrence: Okay.

Kevin Winternheimer: Okay, I'll ask are there any bids from the audience on this? Or any other item we are bidding today? I want to make sure we've got them all. Seeing none others. Oh, is that part of this? Make sure you get it in the right stack. I'll go ahead and open them. Here's an extra copy. Okay, the first one is from Advanced Micro Electronics, Inc. I'm trying to find an address for them. I'll see if it's on the envelope. Well, in any event, I'm trying to find a total cost. Okay, there address appears to be Vincennes, Indiana. I'm trying to find the total cost. Unfortunately, they didn't do it the way we anticipated, so, we've got to hunt for it. Well, they've got a lot of figures in here. I'm just trying to find the total, and I'm having trouble. They've got thoroughly...I want to read you what I can find, like I said, there are pages upon pages of line items of information. I'll read you what I can find. I've got total cost for hardware. At least we'll have something to compare. The total cost for hardware is \$1,691,153.05. That's just hardware. If I could find the software thing, I would read it. Okay, here we go. I guess, this is the best I can do. They've got listed as total cost on the one page here as \$1,706,153.05. Then number of items proposed, I think it's all, is what they have written.

Phil Lawrence: Yeah.

Kevin Winternheimer: But, it is a very detailed, itemized bid. Okay, the next envelope I opened was from the Lieberman Group, and they want to thank you for the opportunity to bid, and to be considered for future opportunities. It's a no bid. That was the Lieberman Group. The next envelope is from Systems Solutions, Inc. from Carmel, Indiana, and it's a no bid. It's an advertisement for the company, it looks like. For what they do supply. The second envelope was also from Systems Solutions, Inc., and it's a clarification, I guess, of the first one that says it is a no bid, in fact. So, okay. The next set of proposals is from Matrix Integration. I don't see an address on them right now. Jasper, Indiana. Let's see if I can find that sheet. Okay, under number of items proposed, they have typed all, and their total cost is listed as \$780,642. Again, it's an itemized bid. The last one, I'm trying to get the formal name here. The name of the vendor is Dell Marketing LP, and their address is Round Rock, Texas. Under number of items proposed, they say all, except 4.2.4, 4.2.8, and 4.2.11, and their total cost is listed as \$1,038,850. I believe that is all the bids we have on that.

President Fanello: Do we have a motion to take under advisement?

Commissioner Mosby: I'll make a motion to take the bids under advisement.

President Fanello: Second, and so ordered.

**Open RFQ's for APA051-2002:  
Computer Services Outsourcing**

President Fanello: The second one, APA051-2002, Request for Qualifications for Computer Services Outsourcing.

Phil Lawrence: We had a post office snafu. They sent their bids Federal Express to be delivered Saturday. Patty talked with Bob Hinton downstairs to make sure that they would receive the bids. Somehow or other they did not receive them Saturday morning. They went back. They were supposed to have come back by 10:30 this morning to be opened at the Board of Public Works meeting this morning. They didn't make it in time. I knew that...I had talked to two of the bidders. I knew that they had, in fact, sent them. They were on time, but because of this snafu, I asked the Board of Public Works to extend the opening bid until next Monday—

President Fanello: Okay.

Phil Lawrence: —at 11:00. They said that they would...Joe Harrison said that would be fine, except that the only people that could, that we would open would be the one's who, in fact, were here that Saturday.

President Fanello: So, how many responses did that make us?

Phil Lawrence: There will be three of them.

President Fanello: Do you know the names of those respondents?

Phil Lawrence: KPMG—

President Fanello: Okay.

Unidentified: Gartner.

Phil Lawrence: Garth, yeah.

President Fanello: Gartner.

Phil Lawrence: Gartner, and a guy from Greenfield, Kentucky. McCarter.

Kevin Winternheimer: The board is going to meet on Memorial Day?

Phil Lawrence: I'm sorry. They are going to meet on Tuesday.

Kevin Winternheimer: Oh, okay.

Phil Lawrence: They are going to meet the 28<sup>th</sup>.

President Fanello: We won't have a meeting next week, so it will be the following Monday.

Phil Lawrence: Okay.

President Fanello: Thank you, Phil.

Phil Lawrence: You're welcome.

**Open Quotes for VC02-05-04: Old Henderson Road Bridge #1541  
Removal and Culvert Replacement**

President Fanello: Next item is John Stoll, open quotes for VC02-05-04, Old Henderson Road Bridge #1541, Removal and Culvert Replacement.

Kevin Winternheimer: Yes, I have two bids on that.

President Fanello: Okay.

Kevin Winternheimer: If there are no more. The first one is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total price is \$52,355. I have one more. The last one is from CCC of Evansville, Inc., and their total quoted price is \$46,061.96. That's all I have.

President Fanello: Motion to take under advisement?

Commissioner Mosby: Motion to take bids under advisement.

President Fanello: Second, and so ordered.

**Second/Final Reading of Ordinance Establishing an  
Impacted Drainage Area in Eastern Vanderburgh County**

President Fanello: Next item is Kevin Winternheimer, second and final reading of public hearing of impacted drainage area.

Kevin Winternheimer: Yes, I have not had any comments from anyone. I did fax a, prior to last week's meeting, to Jim Morley, who had raised some questions about it. We had changed some of the language in there, and having no comments, I would recommend approval as it is. The one item I want to note, let me get my copy here. The, in the ordinance itself, on the second page, we have the date in the first complete paragraph on the second page, it's the one that the question was raised about, and I would suggest...its says June blank, 2002. I would assume we would just put in June 1<sup>st</sup>. So, that will mean the projects prior to that date. Then the other dates will be filled in showing passage on the appropriate dates.

President Fanello: Do I have a motion for second and final reading?

Commissioner Mosby: Is there nobody in the audience? Motion to approve.

President Fanello: Second, and so ordered.

**Permission to Advertise Vacation of Easement:  
110 Evergreen Road**

President Fanello: Auditor, permission to advertise vacation of easement, 110 Evergreen Road.

Commissioner Mosby: Motion to advertise.

President Fanello: Second, and so ordered.

**Bob Eviston: Nationwide Retirement Solutions**

President Fanello: Bob Eviston, Natinwide Retirement Solutions.

Bob Eviston: My name is Bob Eviston, and I'm the State Director for Nationwide Retirement Solutions. What I wanted to do was just take a couple of minutes to update everybody about the Economic Growth and Tax Relief Reconciliation. As you probably know, the Bush administration, at the end of last year, passed this bill that included not only a flat check that many people got, but also some pension reform changes. The one thing that not a lot of people knew, it was up to the individual states to approve this. Until the last 30 days, Indiana was not in compliance, but now they are, and the changes are currently in effect. I'm just going to briefly touch on a few of those, just to let you know what some of the changes are to 457, Deferred Compensation. Turn to the fourth page, one of the first things, the deferral limits has gone up. Last year it was \$8,500. This year it's \$11,000, and it's going to be going up each year. There is also for participants that are age 50 or older, they can contribute an additional \$1,000 this year, and that's also indexed to go up. The next page, people within three years of retirement can utilize what's called a catch up provision, which is, basically, double the deferral limit that they can put in on an annual basis, three years from retirement. One of the changes that's designed to help lower income and moderate income people, is what's called the New Tax Credit, where individuals, if you're filing as a single individual, if you make less than \$25,000 a year, or if you file joint and have less than \$50,000, you are eligible for a credit. So, not only are you reducing your taxable income, or your adjusted gross income for the year, you are entitled to a credit. So, the example here, if you are making \$15,000, and you file as an individual, if you contribute \$1,000, or \$1,040, in this example, not only will your taxable income be reduced to \$13,960, you are also going to get a credit of \$520. The ability to roll over, one of the things that has changed, 457 governmental plans in the past were not subject to rollover. Now you can roll the money into an IRA or another qualified plan. A 401(k), 403 (b), and vice versa. There's a lot of people who have brokers who had a lot of confusion, well, it's eligible to roll over to an IRA, why don't I just do it. Well, there's some reasons, and on the next page what we want to do is just highlight the advantages to a 457 Deferred Comp plan. Access to funds before age 59 ½. If you do happen to take the money out, separate from service, you need to pull the money out, you're not subject to a 10% excise tax. Contributions can be payroll deducted. The assets are protected against bankruptcy claims, and just go over a few others. Your program, as well as the City of Evansville, your program, in particular, it is endorsed by the National Association of Counties, and also the Indiana Association of Counties, which also provides expert fund monitoring. Every year we are going to do an evaluation of the funds that are in your offering, to make sure that they meet our evaluation criteria, as well as having competitive fees. We have no front end loads. No rear end charges that a lot of IRA's may have. A few additional changes, the repeal of the coordination of contributions with other qualified plans. So, that if you are eligible for a 401(k) and a 457, you can put the maximum amount into both. Flexibility and pay outs, in the past when you separated service, you had to

determine what sort of payout option you wanted to take, and what date you wanted it started. That's changed now, and you have flexibility where you are not subject to any taxes on money until you actually take it out. Also, one of the other things that I wanted to mention with the Public Employees Retirement Fund, you can use the money in your Deferred Comp plan to purchase service credit, if you so choose. One of the changes, Senate Bill 59, that's currently out there is allowing people in PERF, if you've been there 10 years, you can purchase one year for every five years you've been there. So, just to give you a quick overview of some of the things that we offer; local salaried field force. Our representative, his name is Mike Cason, is an Evansville resident that services the different departments of Vanderburgh County. We have access to the Web, Voice Response, anytime, anywhere, anyway you want to do business. I'm going to go ahead and quickly just skip to the end to let you know about one of the new initiatives that we are going to be initiating this July. We've come up with an exclusive alliance with Morningstar to, basically, help people determine how they should be invested. So, not only their Deferred Comp plan, but also there's a 20 minute questionnaire that an employee can go on the Internet and fill out that will include all their assets. Any pension money, any IRA's, and Morningstar will come up with a customized recommendation of how this person should be invested. It also has access to a lot of educational tools that deal with a lot of different things such as college 457, 529 plans, and other tools as well. At this time I just wanted to open up, if anyone had questions about the changes. One of the things that I've included on the front is just a sample payroll stuffer that highlights specific items within the Economic Growth Changes, as well as my business card, in case anyone has questions about this. What we are going to do, these payroll stuffers, for the City of Evansville, we are going to include one of these in next month's paychecks to pass out so that people have an idea of what these changes are, as well as highlight the website to where they can get comprehensive information, if they need to get that. I just wanted to open up, if there were any questions.

President Fanello: Are there any questions by anyone?

Bob Eviston: Okay.

President Fanello: Thank you.

Bob Eviston: Thank you for your time.

**Any Other Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual wishing to address the board at this time?

**New Business**

President Fanello: If not, we'll move on to John von Arx, Community Corrections. John is here tonight to present a proposal. You can come on forward, John. After my discussions with the DOC earlier this year about our plight in Community Corrections, I believe DOC contacted John, and he can go through that whole scenario. He is here tonight to tell us what he could do.

John von Arx: Thank you, Commissioner. Appreciate the opportunity to review this proposal and presentation with you. Crowe Chizek, and, I'm sorry, I didn't introduce

my colleague, Amitav Thamba, who is here this evening with me. We're very pleased, our justice and public safety practice is very pleased to have the opportunity to review this with you. This proposal is, to summarize the analysis and implementation plan for increased investment in Community Corrections from the state, via the Department of Corrections. If I could reference the documents and start with page two, I think, really that page sums up the call to action, at least from our perspective, regarding some of the key points that we hope to address and identify, and then produce recommendations, and, ultimately, solutions. The recent legislation that passed in 2001, allowing additional state funding for the Vanderburgh County Communication, or Community Corrections Program, excuse me, is, obviously, a key element. The county is currently investing substantial amounts of local funds to divert offenders from state incarceration. The state is seeing significant diversionary benefit from the Vanderburgh County Community Corrections Program, with a disproportionate share of financing being paid for by local funds. A need for the fact finding investigation to document and validate, justify, and then create an action plan for the appropriate increase in state funding from the state. Obviously, doing so, and creating a true partnership with the Department of Correction, really are the key action items, as we see them. Just to summarize the proposal, the two phases would be, obviously, initiating the project with the focus on the data collection and reporting efforts. Which there have been some discrepancies from the Department of Correction with regard to what they feel is needed, and a question of making sure the data and supporting documentation for the measurement of the program is validated. Then looking at the state wide program comparisons. Looking at how Vanderburgh County actually does rate with other counties that are funded, and their diversionary impact. From our preliminary estimate, we think that those estimates and assessments will rank Vanderburgh County very high in that regard. Going to page four, again, reviewing just the initial first phase. Looking at the data collection reporting structure. Developing an effective means for reporting to DOC. As I mentioned, is going to be a very important aspect of the project. Within Vanderburgh County, having an effective means of reporting and exchanging information, also is an element that we have heard from both the department of correction and locally. That continues to be an important aspect of a successful project. Phase two would highlight the operations management and financial review of the existing program. The review and then comparison state wide with other Community Corrections programs, and the financial information focus. A review and findings of the various recommendations that we would generate from that comparison. The effort to build the consensus, working with local stakeholders, and, of course, very importantly with the state decision makers. Then developing an action plan for identifying the next steps, basically, the implementation plan, from that point forward. The key deliverables that we would identify would be, in at least the project charter, in phase one, the information reporting capabilities assessment. The fact that, again, focusing on the detail the DOC needs to better evaluate and then respond with the proper financial resources. The technology needs and gap analysis report, which really looks at the system wide and infrastructure issues with regard to collecting, sharing, providing information, both locally and at the state level. The phase two deliverables would focus on that management and financial report that I mentioned initially. Looking at that current assessment, and the status of the project, what is currently funded here locally. How successful, and how those dollars are allocated to the current operation of the project. Looking at that state wide analysis and coming up with a recommendations report, which will compare and contrast Vanderburgh County to the other funded counties. Then the implementation plan which would document the next steps, the action plan, where you can go from here to actually then generate the needed change. The phase one and phase two costs would be divided up with the

phase one cost at \$16,000, phase two cost at \$37,000, for a total cost of \$53,000. That would be a blended rate, an hourly rate of \$135 an hour for the project. The next steps of the project, I think, would be to ask the Commissioners to review the proposal. Hopefully, eventually, an approval of the proposal. The ultimate review and approval of the advisory board of the Commissioners action, forwarding this on to the state Department of Correction for their approval, and then to initiate the project. In closing, I would like to say that from those of us who have been familiar with the justice and corrections program in the state of Indiana are very familiar with Vanderburgh County's program over the years. It is unfortunate, in many respects, that the vision and leadership that this county has exhibited in starting Community Corrections programs, really prior to the state understanding the value of them, and then implementing them state wide, should be very positive, and an act that Vanderburgh County, I'm sure, is very proud of. However, the fact that that is reason to date that has limited the ability of the state to continue to fund more of the share of the project is something that we really hope to really examine and zero in on. That's what we see as the cornerstone of this proposal, and the ultimate project. We appreciate the opportunity to present that to you, and the overview of the proposal today. Would greatly appreciate your consideration. We would be glad to answer any questions that you may have.

President Fanello: Just so everyone understands the process, as I understand it from Joe Fistrovich from the Department of Corrections, they will be funding this proposal. They just ask that we have a letter from the advisory board requesting funding. John was contacted, I believe, by the DOC.

John von Arx: We had met with the Department of Correction, and talked with them about being familiar with our services, but, obviously, as you mentioned, Commissioner, the key, obviously, is the action on your part. That's, I think, what they were informing us of.

President Fanello: Yes. Do I have any questions from?

Commissioner Mosby: Not really a question, just so it's a part of the minutes of the meeting that we did not initiate this, the state did.

President Fanello: Yes.

Commissioner Mosby: This is not something that, you know, we are paying for out of Vanderburgh County taxpayer money. I guess, my one question to you is going to be, and I know the state initiated this, what kind of time line are you working on here, and how quick are you going to get back to the state, and get back to us?

John von Arx: Well, I think our initial goal was to have this completed by the end of June, and to try to accommodate the time line that you may have with your budget process, as you move forward. That's still our targeted goal, and assuming that the Department of Correction and the various steps that will need to be, in which action will need to be taken can move swiftly, I think that is still reasonable to expect that we can do that.

Commissioner Mosby: You know, because, I guess, my biggest concern is, and they just need to understand, it's like you said, there's a substantial amount of taxpayer money going into Community Corrections. They need to give us an answer immediately, because I'm still willing to vote tonight to shut the Community Corrections down. So, I mean, unless they want to come up with a quick answer,

you're right, we're going into budget hearings. So, I mean, passing on through a lot of this data process collection here, you could collect that one out of the minutes of the meeting and take it back to them. Because, you know, it's not my intent to sit here and play games, or whatever, and hold everybody in limbo. I mean, I would just as soon the Judges know, you know, what's going on, and everybody in the community know what's going on. That would be my one answer to them is they need to be either sending some more money down, grant wise for services over there, and some bricks and mortar money for our building, because the building is what I consider a liability to everybody involved right now. I guess, that's what I'm wanting to see, more than anything, is a quick response from them as to where we're heading here.

John von Arx: One thing that we want to be very conscious of is the urgency, and you, obviously, have expressed that. Not to think of this as any type of a study or evaluation, but really looking at where the rubber meets the road on the issues that you just raised. That will be our focus.

President Fanello: And I echo Commissioner Mosby's thoughts there, and have made those thoughts known over the past couple of months. I also did speak with our County Council President, Lloyd Winnecke, last Friday and he too would like to know as soon as possible, by the end of June before budget hearings start. So, we're all kind of under the gun. So, we do appreciate your proposal. What I do have here tonight, and I was not aware that Commissioner Mourdock was not going to be here until late last night, or late yesterday evening. I do have a letter, if we want to go ahead and sign it, and send it to the advisory board, asking them to request the appropriate funding from the Department of Corrections. So, if I could have a motion to sign that.

Commissioner Mosby: I'll make a motion to send a letter to request funding from the advisory board.

President Fanello: Okay, I'll say second and so ordered. What I would like to ask of our Sheriff is that I know the advisory board just had a meeting last Thursday, but I think it's going to be necessary that they call a meeting over the next week or so to get this—

Brad Ellsworth: We'll call a special meeting.

President Fanello: Okay, I appreciate that. Thank you.

John von Arx: Thank you very much.

President Fanello: Thank you, John. Is there any other New Business to come before the board at this time?

Suzanne Crouch: Yes. President Fanello and I met last Friday to discuss direct deposit for county employees. That's a feature that the city has had for some time, and the county has not been able to offer that. With our new payroll system, that is now a feature that we can offer. We would like to make that available to county employees on the July 12<sup>th</sup> payroll. We would like to take the month of June to try to educate them, and let them know that they have that option, and it's available to them. So, we wanted to bring it to your attention, and hope that you would look favorably upon that.

Commissioner Mosby: Direct deposit to?

Suzanne Crouch: Well, the direct deposit right now would be with our depository bank, which is Integra. Now, that could change. As you recall, the beginning of every two years the Board of Finance gets together, and the Treasurer recommends the depository for the county. It's currently Integra. So, right now the check would clear through Integra, but it would go to whatever bank the employee would choose upon their paperwork. We would like to offer them two transactions, so that they could choose...those that participate in the Credit Union, currently, could opt to continue to participate in the Credit Union, and then the balance of their paycheck then would be deposited in their bank of choice.

Commissioner Mosby: So, but it's all credit unions or banks, whatever.

Suzanne Crouch: Whatever. Or in your two transactions, if you choose to have a certain amount go to a mortgage company, or go to make your car payment, you would have that option also. Integra would just put the money as the employee directs it.

Commissioner Mosby: Okay.

President Fanello: I think that's a great idea. I don't think we need a motion, do we?

Suzanne Crouch: I'd love for you to have a motion.

Kevin Winterheimer: (Inaudible. Mike not on.)

President Fanello: Okay, well, if we don't need a motion we won't waste it. Thank you, Suzanne.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

<b>Old Business</b>
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President Fanello: Okay, under Old Business, we need to discuss the site survey that was delivered to us on Friday by Bernardin and Lochmueller. The site survey being around the perimeter of the Civic Center here for the jail construction. Since Richard is not here today, he did send me a response to read into the record. If it would please the Board, I could read that into the record at this moment before we start discussion.

I appreciated the update on your plans for this evening's meeting during our phone discussion, and I greatly regret not being able to attend, but I hope the public will forgive me missing one meeting every 2-3 years. As you have learned, ours is a part time job that will take every minute you can give it, and still always demands more. Pursuant to our discussion, please include my comments into the

record of this evening's meeting regarding the possible vote on the site selection of the jail. I believe that a final vote is premature, at this time, as a number of factors remain to be determined. The report provided by Bernardin Lochmueller answered some questions, and raised others, and that is a compliment to their work as this is a complex project. First, I agree that a primary goal of our activities needs to be to maintain as many parking spaces as possible, and to allow further expansion potential for City-County agencies at the Civic Center Complex as possible. Second, I continue to believe that traffic needs need to have east/west access across the general corridor of Ninth Street. I use the term general corridor with great intention. I believe that before Ninth Street will be vacated that the members of the City Council must know of a total traffic plan. If they are approached with a "we're closing Ninth Street with no other alternatives" the plan will likely be rejected. Last week we received a proposal from EUTS (Evansville Urban Transportation Study) which gave an option as to how traffic might be rerouted, and that plan also helps define some areas as potential buffers between existing facilities, particularly the C.K. Newsome Center and the proposed jail. It is my opinion that any approach made to the Mayor, the Building Authority and/or the City Council should include such definite alternatives for the closing of Ninth Street, if that is the majority's intention. By going forward for a vacation before the total plan is in place, I believe that we raise more questions than answers. My compliment to Bernardin Lochmueller notwithstanding, it is their job to raise questions. It is ours to put forward a total plan. I don't see us there yet. Third, before any final vote is made on the final site I think it appropriate to accept public input at a scheduled and advertised meeting. I would not expect any such meeting to result in neighbors coming forward saying yes, yes by all means please build the jail in my back yard, but I do believe the process of governing works best when all are given the chance to be involved. We are going to be criticized no matter what we do, so we may as well have the angry look us in the eye and give us a chance to respond. Fourth, I note with particular interest that the site selection report did not exclude any of the five sites. While a quick read might infer that the Courts parking lot is the most expensive choice, it should be noted that no investigation was made on the possibility of using deep piling, which is the common way such buildings are constructed. This technology could reduce cost from those proposed for the soil removal and back fill method, and of all sites proposed. This continues to provide us with the most remaining area for expansion, and has the least affect on parking. I would note also that upon initial review there was an interpretation of the soils report that read as if the courts lot would require the removal and possible

landfill disposal of too much material. This report shows, as I argued at that time, the amount of material removed from the back 40 site verses the court site is virtually identical. The back 40 being a shallow removal but over a much larger area. Fifth, I remain greatly concerned over the lack of discussion over filling the total need we have for jail beds. The much maligned, but widely accepted PMSI report told us that if we build for the future, we should build a 750 plus bed jail. We are setting out to spend \$35 million to build only 484 beds. I believe that it is imperative that we utilize the beds from the existing jail to keep our potential population closer to the 750 bed figure. Hence the geography between a new back 40 facility cuts down on the synergies that might otherwise be afforded by utilizing the courts parking lot. As I have said before, only in government would \$35 million be freely spent to not solve a problem recognized by all. The big picture requires that we find synergies with the existing jail, and not build something that hinders it's continuing use. Sixth, I would respectfully ask that no formal, final vote be taken on site selection until all of these issues can be fully addressed. I understand that the possible procedures required for a permanent vacation of Ninth Street are something that you wish to explore, and believe it is prudent to have Kevin pursue that information. At a very minimum, should I convince either you or David to the logic of the courts parking lot site, we will need a temporary vacation during the construction period. So, the process is important. Thanks for letting me submit this in writing. Again, it is with regret that I can not be in attendance tonight.

So, I will ask Commissioner Mosby if he has any comments about the site survey, and Commissioner Mourdock's comments.

Commissioner Mosby: I don't really have any comments about the site survey, for as much of it as I understand. I don't know if Mr. Farney wants to come up and give us an overall view, but I am not really asking you to do that. I am sure that there is people that understand this survey a lot better than me, and the soil testing of it. I guess, the one thing that bothers me is that I sat here two or three weeks ago and was ready to move forward on this decision then, which I thought needed to happen, needed to happen immediately, and at that time Commissioner Mourdock wanted time to go over the soil survey that had come in and look at it. So, my motion died at that point so that we could have more time. Once again, we come to a point where we need to have a critical vote, and we get a letter in front of us, on our desk Monday night, which I just received about 5:00, that he is not going to be here for a vote, and would ask that we put this off again. I think this is the same thing that has happened over the years that I have not been here, and has probably happened for the past ten years. That we just keep putting off a project and keep putting off a project, and we keep delaying a vote and making a decision to move forward. I am really sorry that Commissioner Mourdock is out of town and he is not here to make a vote tonight. You know, there is a lot of things that I would take to task, if he was here. When he says that he believes that we are moving forward in vacating Ninth Street, but yet we should have a plan about traffic and the overall situation in the

back 40 before we vacate Ninth Street, well, I am not going to sit here and advocate spending taxpayers money and doing studies and end up shoving another study that was done due to the fact that the City Council would not vacate Ninth Street. It is pure stupid to keep spending taxpayer money to do something when we don't even know if it is going to be usable. That is exactly what he's sitting here saying, that we ought to do a study, and that we ought to have a whole plan to reroute traffic. I think just the opposite. If the City Council and the Mayor is not going to go along with vacating Ninth Street, which the City Council is going to have to okay, and I understand that. If they're not, then I am not going to do a study and throw it on a shelf and spend more money. There are several things in here, I guess, that we could debate. You know he talks about doing a public hearing and having public input on site selections, and we have been doing this now for the last four or five months. We've been doing site selections, and talking about site selections, and trying to move forward, you know, before we get another lawsuit, and to stick it with the other 30 we got and keep paying out. These are the things that, you know, I can't agree with him on. But, there is one thing that I am going to agree with him on, and that was the fifth point he made. That he is greatly concerned that the total needs for jail beds will not be met, and that PMSI talked about building a 750 bed plus jail. But, I can honestly say, that from the time I was elected, and all through the 365 days of last year, I advocated to that County Council over there that we needed to spend more than \$35 million, and that we needed a 700 or 650 bed jail. Now, never once did Commissioner Mourdock want to come over and advocate that position and talk with the majority party over in the County Council, but he has said it in the newspaper recently over the last month or two, and he did put it in writing tonight. So, that is one thing that I am very thankful for that we have come around to see eye to eye on one thing, and that what we are building is not big enough. I really wish that the County Council would get a copy of this letter so that they can see Commissioner Mourdock's feelings too, because it is one thing that I am totally going to agree with Commissioner Mourdock on. I think that the study that has been done by Bernardin Lochmueller over the site survey is an excellent study, and I have no problems with it. I am like Commissioner Mourdock, I think it opened up a lot of avenues. Some that we might not have been down yet, and some that we have been down. I am totally happy with the site survey, and the next thing that I am looking for to keep this community moving forward and this project moving forward is that we instruct our counsel, Mr. Winternheimer, to go forward with the vacation of Ninth Street, so that we can submit that to the County Council or City Council. I will be more than happy to go to the City Council and explain to them why we need to use the back 40. Why we do not want to go out and spend \$3 or \$4 million dollars on a piece of land that we don't have. We have not been given the money from the beginning to do an adequate project and if we have to take \$3 or \$4 million out of the project to go buy land, this county is going to suffer very badly. It is just something that we can not afford. If we can get the City to join partnerships with us on a Ninth Street vacation and the back 40, I think you will see a plan that can come together. We can at least try to get the best bang for our buck, at this point in time, and we will still be close to the courts building, and we don't have to spend a half a million to a million dollars a year trying to transport prisoners back and forth. Maybe we can tie it into the existing jail, in some way, to use bed space there, if that is what it takes, but I would like to instruct our counsel to go ahead and start the papers to vacate Ninth Street, and that we try to work with the City in any way possible, and the School Corporation, who owns ground back here. I totally understand that they have a piece of property, and we will have to work with them, understanding how vacations work, and that fifty percent goes to one land owner and fifty percent to the other. So, you know we will work with them. I will say that I have been over to the School Corporation. I have had conversation with the new doctor over there, and Mr.

Tuley, and Mr. Johnson, their operations manager. So they are very aware of what our plans are, and what we are looking at. I had several conversations with the Mayor too. So, at this point, I will make a motion that we have our counsel move forward and file the paperwork to vacate Ninth Street.

President Fanello: And I would just like to make a few points before I second your motion. Richard had some concerns in there about the soil reports, which I do think that if he spent some more time with Mr. Farney that he would get those answers, because I did find the answers within the site survey. I do, since Mr. Farney is in the audience, want to say that it was excellent, excellent work, and do appreciate the report. You know, Richard's...the comment on not having enough jail beds, I completely agree with that. We are not building for the future at this time, but that is due to the limited funding constraints given to us by the County Council. We are trying to work within the budget that we currently have, and we are doing the best we can. I do, personally, think it would be less than prudent of us to operate two separate facilities on the same location. United and DLZ, the design team, has put operational costs together, and those were given to all Commissioners a couple of weeks ago. I do not think that it would be cost effective to operate two facilities like that, and would not advocate doing so. I do agree with Commissioner Mosby that I don't think we can come up with a complete traffic plan until we have a consensus on whether we will be able to vacate Ninth Street, and that consensus will only come after talking with all appropriate boards and people at the School Corporation, the Building Authority, City Council and the Mayor. We do know what the Mayor's preliminary thoughts are because he delivered us a letter several weeks ago that he was not in favor of vacating Ninth Street, but I do believe that this project requires compromise. We are all elected officials with one major goal in mind, and that is to do the city and county's business. I believe that with the alternatives offered by Bernardin Lochmueller in their site survey, and the possible alternatives talked about by Rose Zigenfus last week, that there is compromise, and that we will not be hindering the downtown master plan if we vacate Ninth Street. That we will not be hindering traffic flow. There are solutions, and I do think that vacating Ninth Street and building the jail on the partial back 40 is the best solution. It offers us the least impact on parking. It provides us with the greatest expansion capabilities, and like I said, it does not seem to interfere with the downtown master plan. So, I am going to second Commissioner Mosby's motion, because we do need to keep this moving. We do not have a meeting next week, and I do not want to set this project back, because United is at a point where they need a decision from the Commission on a site. Other than that, like I said, I am willing to work with anyone including City Council, Mayor, School Corporation for us all to come to a consensus, but I do believe that we are doing this in the most cost effective manner, and I do not advocate, it is not my first choice to go out and buy a piece of property that might cost us \$3 to \$5 million to purchase and develop. We need to keep this jail close to our court system, because that best serves our community's justice needs. It best serves our community's public safety needs, and I think that we are moving in the right direction. So, again, I second your motion, and would direct the County Attorney to have the necessary conversations and draw up the necessary paperwork.

Kevin Winterheimer: Let me ask a question. I would assume that if the vote is yes, that includes working with Bernardin Lochmueller? Since they have done the work to prepare the necessary surveys and relating engineering to get that done.

President Fanello: Yes.

Kevin Winterheimer: I will, of course, do the legal work, but I am not a surveyor.

Commissioner Mosby: Mr. Farney would be glad to work with you. He says that he is running out of work, so.

Madelyn Grayson: Commissioner Fanello?

Commissioner Fanello: Yes.

Madelyn Grayson: May we have a copy of Commissioner Mourdock's comments for the record?

President Fanello: Yes, I do believe that we do have a copy printed out for you, and we will get it to you as soon as possible.

Madelyn Grayson: Thank you.

President Fanello: Is there any comment from the public at this time? Anyone in the audience? And I know that Richard did mention having a public meeting, and I would just say that we have gone to great lengths over the past year to invite public comment on this jail issue. It's been a very high profile issue. There will be continued opportunity for public input. Obviously, at the City Council meeting there will be input. With the Jail Authority meetings, because there must be a public hearing whenever they adopt the lease for this project. So, my, I extend an invitation to anyone in the public at this time to come to our weekly Monday night meetings as we go through this process. Nothing is completely final at this point, so I welcome all public comment, as I know all of the other Commissioners do as well. So, if there are no other questions, comments? Alright, we will proceed on to Department Head reports.

**John Stoll - County Engineer**

President Fanello: County Engineer.

John Stoll: First I have an RFP for consultant, request for consultant services for getting a consultant on board to help us out in trying to deal with IDEM's new storm water regulations. The RFP was drafted to try and address what they have in their current regulations, although IDEM has not passed any final regulations, as of yet, they also have refused to extend the deadline for our first submittal, which will be next March 10<sup>th</sup>, I believe it is. So, we can proceed to get a consultant on board and just help us come up with a plan that would help comply with this. Even though, as it stands now, this program still exceeds what the EPA's mandate is, we are stuck with it and complying with it. With the Notice of Intent letters, with the water quality assessments, and with the program of this storm water management, it will greatly exceed what we have as far as my staff, Bill Jeffers' staff, or anything. That is why we need some consultant services on this.

Commissioner Mosby: Do you have an RFP?

John Stoll: Yes, Catherine has it.

President Fanello: And I do.

Commissioner Mosby: I make the motion that we, I guess have the County Attorney review it first.

President Fanello: He has already reviewed it.

Kevin Winternheimer: I have no problem with it.

John Stoll: Kevin has reviewed it.

Commissioner Mosby: Then I make a motion to advertise the RFP for the storm water drainage.

President Fanello: I second the motion. How long did we give them for response, two weeks?

John Stoll: I think I've got in there June 10<sup>th</sup>.

President Fanello: Okay.

John Stoll: Second, I would like to request that the contract for Repair and Repaving of Various Roads be awarded to E & B Paving for the amount of \$327,338. They were the low bidder on the project. This project will consist of the repaving of Old State, Old Boonville Highway and Telephone Road.

Commissioner Mosby: I make a motion to accept the recommendation and contract with E & B.

President Fanello: Second, and so ordered.

John Stoll: Next, I have a claim that we received the paperwork on just today. It is for the replacement housing costs for the Marvin and Nancy Wright parcel on the University Parkway Project. This claim is for \$42,704. Like I said, it just showed up today, and we really need to get it run through tonight's meeting, because they have a closing set on their replacement house for May 30<sup>th</sup>. Since there is no meeting next week, there was no way to get that approved. So, I spoke with Bill Fluty over in the Auditor's office, and he said if we run it through tonight's meeting that we can still get the check issued on time. So, it is requested that this be approved.

Commissioner Mosby: So moved.

President Fanello: Second, and so ordered.

John Stoll: Next I have a Notice to Bidders for the Repair and Repaving of Old Henderson Road. This is going to be contract number VC02-06-01. It is requested that this be approved and advertised.

Commissioner Mosby: Motion to advertise.

President Fanello: Second, and so ordered.

John Stoll: Next, I have a couple of different cost estimates for the replacement of the culvert structure on Rodenberg. We figured this two ways, one was a 12' concrete box culvert structure, and that was \$34,745. We also figured it as an aluminum box structure, and that estimate was \$51,600. The 12' x 6' box is about

twice as big as what we discussed last week. The reason for that is, in reviewing the head water curves in the design manuals, it basically showed that passed the calculated flow. The 6' x 5' box would need to have about 11' to 12' of headwater. So, needless to say, it would be flooding well over the top of the structure. The 12' x 6' would pass the 500 CFS estimated design flow through there. We estimated two different structures, because we are not sure we can get a 12' x 6' concrete box culvert down there, because of the configuration of the road, and the narrow width of the road. The aluminum structure can at least be assembled on site, and it would likely take smaller equipment to set that into place, but we haven't gotten any final, definite answers from contractors to say, yes, we can get a box culvert back there, or, no, we can't. It just looks like it would be very difficult. Another thing that we found is, basically, there's really not any documented right-of-way back there on that structure. Here again, the records are spotty at best. In plotting these out, Valerie over in my office, found that even one of the deeds either shows that this is a private easement. Three people dedicated a public easement, one did a private easement. The road actually comes through something like this. It loops around the house.

Madelyn Grayson: John, can you use Commissioner Fanello's mike?

John Stoll: Sure. The road comes down, you can see the configuration of the road looping down around here. This orange spot here is where the culvert is, which is basically right here. Right there, on that property, this one person dedicated an easement as a private easement, for some reason. The rest of them were public easements. That was the only references to any existing right of ways that we could find. In checking with the City Engineer's office, this is the city limits line and the location of Rodenberg. Here again, they didn't really find any dedicated right-of-way back in their portion either. Although, speaking with their office they did say that they maintain it to the end of the city limits. So, it's a road that they maintained, but no documented right-of-way. Kind of like some of them that we have out in the county. So, long story short, I guess, the cost estimate was figured both ways. Like I said, what we could really get in back out there. That cost estimate does not include any right-of-way costs. What those might be remains to be seen. I would say, as a minimum, we would need to acquire a chunk of property off of each of those four corners right there in order to replace this structure.

Commissioner Mosby: I guess, it is not going to be my thought to acquire any right-of-way.

John Stoll: Pardon?

Commissioner Mosby: It is not going to be my first thought to acquire any right-of-way. This is going to be what I consider about a 400% upgrade, well, it's more than that, to what we've got.

John Stoll: Anything would be.

Commissioner Mosby: You've got a culvert and bridge that I wouldn't trust taking a go cart across much less anything else. I mean, if we are willing to spend the \$35,000 for the box culvert and have somebody install it, I mean, it seems to me like the least we could get is four people to put up, I don't know how much easement rights we need from each one, but, I mean, it seems to me like their contribution to this part of the project would be, you know, you sign the easement papers, and we will put up the money and do the job. That is going to be my first thought.

John Stoll: We haven't spoken to any of the property owners.

Commissioner Mosby: Okay.

John Stoll: We have just been piecing this together, trying to figure out what it would cost, and where the property lines lie, and things like that.

Commissioner Mosby: I mean, if we could, I would like to get somebody to contact the four property owners. That, I guess, we would be talking about, and, I guess, just ask them, you know, if they are willing to donate the amount of easement that is going to be required. I mean, I would think that seeing the situation, and being out there, I mean, if I owned any of them pieces of property, I would donate, you know, whatever you needed to put something nice in there.

John Stoll: My only concern would be whether or not the people who live on the east side of the structure, basically these people here, since they never use it, hopefully, they will cooperate. I agree with you a 100%. Anybody on this side who wouldn't dedicate...anybody living on this side should definitely dedicate it, because they have to use it.

Commissioner Mosby: Right. I guess, that is the problem. These people are going to benefit, you know.

John Stoll: Right, there is a house that sits right here. So, whether or not they would dedicate right-of-way remains to be seen, simply because they will never use that structure. They are one of the property's that we would have to contact.

Commissioner Mosby: I guess, if we had to, could we move the ditch flow over here?

John Stoll: That was something we were looking at through here as well. I mean, you could run it straight east/west and avoid this loop around the house, but from what we could determine that would be building a new road for the city, for all practical purposes, from this point to this point.

Commissioner Mosby: Okay.

John Stoll: And it would, of course, increase our costs. I mean, I am not saying that is, necessarily, a bad idea because it solves two things. One, if we were on, that would be along this property here, and you might be able to get it in through there, and it also would provide a direct route to be able to take a truck back into here, and get a crane back in here to set the thing. The problem is, here again, whether or not somebody would be willing to grant that much property.

Commissioner Mosby: Oh, I was referring to the culvert. The ditch line. I said if we had to move it over to the west a little bit and keep it on their property, if these people didn't want to donate easement. That was my only thought.

John Stoll: Oh, I see. I thought you meant to realign the road.

Commissioner Mosby: No.

John Stoll: That gives us a straight shot, and it definitely would work.

Commissioner Mosby: That would be nice, I guess, if somebody wanted to donate all of that, and it didn't take a lot of money.

John Stoll: That, and if the city went along with it.

Commissioner Mosby: This is a bad curve here. I mean, I went back through there, and that's pitiful. For practical purposes, for public safety purposes, you'd be a whole lot better off coming straight through there because, I don't think in any way, shape, or form, you are going to get a fire truck around them little bends that we were looking at out there.

John Stoll: Well, we can do some more research and verify who all of the abutting property owners are and get in touch with them if that's?

Commissioner Mosby: That's fine. That is what I would prefer just to see what kind of cooperation we are going to get.

John Stoll: Okay.

Commissioner Mosby: I mean, we could probably make a bad situation good for everybody.

John Stoll: Hopefully, we could get a concrete culvert down there, but, if nothing else, we think the metal, even though it is a higher cost. It is at least possible to get that in down there.

Commissioner Mosby: I bet you that they would find a way to get it back there.

John Stoll: I was talking to them about that.

Commissioner Mosby: Do what?

John Stoll: I was talking to M & W about that. They have some concerns given the way the road curves around back there. Because they were out there at a meeting with Ralph, when Ralph got the cost estimate that we were talking about last week. So, it would be tough.

Commissioner Mosby: Okay.

John Stoll: The last thing that I had was, I wanted to request approval to go ahead and award the Old Henderson Road bid that was opened up this evening to CCC of Evansville for \$46,061.96. I went through the bid, everything totals up fine. I went through, actually, I went through Deig's bid as well. There are no errors in either bid. So, CCC is definitely the low bidder. All of their unit prices are in line, and there is nothing unbalanced where they could hit us up for some excessive change orders, or anything like that. So, I would request that we go ahead and award it.

Commissioner Mosby: I will make the motion that we go ahead and award the Old Henderson Road culvert project.

President Fanello: Second, and so ordered.

John Stoll: That way if the water goes down, we will have an extra couple of weeks to try and get the thing done before the completion date. That is all I have, unless you have any questions on anything.

President Fanello: No.

Madelyn Grayson: I did not receive the Notice to Bidders that you, did you have them sign that?

John Stoll: There it is right there.

Commissioner Mosby: Right here, I got all kinds of papers around here.

President Fanello: Here you go.

**County Highway**

President Fanello: County Highway?

Madelyn Grayson: May we make a tape change real quick?

President Fanello: Yes.

Madelyn Grayson: Just a second, David.

Commissioner Mosby: I don't believe that the County Highway Superintendent was going to be here. His daughter had something at school. He called me at the last minute and said that his reports were in, and if we had any questions, please contact him.

President Fanello: Okay.

Madelyn Grayson: Now, may I make a tape change?

President Fanello: Yes.

Commissioner Mosby: I am sorry.

**(Tape Changed)**

**Kevin Winternheimer: County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: The first, I would ask for your approval, and to authorize the President of the Commission of the settlement of arbitration in the Edna Enlow matter. This is per the recommendation of attorney Tom Bodkin. I concur in that recommendation. Can we do them all, or just do you want to vote?

President Fanello: If we can take one motion, that would be good.

Kevin Winternheimer: Okay.

Commissioner Mosby: Motion to approve to settle arbitration.

President Fanello: Second, and so ordered.

Kevin Winternheimer: The next one is a workman's comp claim by Jeffrey Mitchell. This has been reviewed by ASC, the insurance people, and they wish to make, they've gone through the calculations on the workman's comp claim, and wish to make Mr. Mitchell an offer, and ask for your authorization to do that.

Commissioner Mosby: So ordered. So moved.

President Fanello: Second, and so ordered.

Kevin Winternheimer: Okay, the next one is the Sallie Harris, et al versus the Sheriff and Vanderburgh County. This is the jail case, a current pending litigation matter. The Commissioners have been served with interrogatories. Tim Born who is handling this for the Commission has drafted proposed responses and would ask that the Commission authorize the President to execute the answers to interrogatories.

Commissioner Mosby: So moved.

President Fanello: Second, and so ordered.

Kevin Winternheimer: The, I believe it's the last item that I have, Madelyn contacted me a while back about the requirements for advertising for special meetings. The question itself was intriguing in that there are none. By that, apparently, your past practice has been to legally advertise in the newspaper for special meetings. Looking into that, what you are required to do, from a legal standpoint, pursuant to the statute, is to give 48 hours notice to the media. That's a written notice. However, if the media would agree to it, you could e-mail them. If they will consent to that. The other notice requirement is, you are required to give a six day notice to your fellow Commissioners. But, it does not have to be advertised in the newspaper. I was not about to indicate to Madelyn to change any of your past practices without getting the feeling of the Commission itself. I've talked to the Public Access Counselor for the State of Indiana, Ann O'Connor, and she agreed with my analysis and legal conclusion that you are not required to do that. As a matter of fact, she could not recall any other city or county that legally advertises, in the newspaper, for special meetings. Thought you were unique in that, and, certainly, she wanted me to reiterate that there's nothing wrong with that, but you're not legally required to do that. So, it would be my suggestion, but the Commission is free to do as it is, that unless there is some special consideration, that special meetings not be legally advertised in the newspaper. However, we comply with all legal requirements, give the Commissioners their six days notice. I noticed that you usually set them on one meeting date, and then have them the next Monday. So, you've got seven days. More than adequate notice, but you not go through the motions of legally advertising them. It should be easier on Madelyn, if she's got something else she would rather do, and it would save you a little bit of money too, in the long run, as far as legal ads in the newspaper. Which we do a lot of anyway.

President Fanello: I was going to say, we spend a substantial amount of money with the newspaper for advertising.

Kevin Winternheimer: I thought it was intriguing that she could not recall, or think of any other city or county that did what you had been doing. Certainly, there is nothing wrong with it, but it's just not required.

Madelyn Grayson: My only question is, will Tammy then be notifying the media 48 hours in advance, like we do Executive Session? Since we won't be legally advertising?

President Fanello: Uh-huh. Our office would send out the notification via fax or—

Madelyn Grayson: Okay.

President Fanello: —which Tammy usually does that every week on the agenda or anything, so she could just do it for any other items that we might have.

Kevin Winternheimer: So, I guess, my request is to, unless you specifically direct us otherwise, that we not advertise in the newspaper for special meetings, but comply with the other legal requirements.

President Fanello: Okay.

Kevin Winternheimer: If you want to do something else, you let us know, and we'll do that.

President Fanello: Okay. Thank you, Kevin.

Kevin Winternheimer: Oh, and one more thing, and this was just...I did send out the letter to Mr. Fosse on the contract.

President Fanello: Okay.

Kevin Winternheimer: I got your comments, and I included that letter, but I don't think it went out until Thursday.

President Fanello: Okay.

Kevin Winternheimer: He has not replied yet, but I will let you know what his reply is.

President Fanello: Alright. Just for the record, I did have some additional questions on the contract, which Kevin included with his questions. I wanted to bring up one other thing under Kevin's business. I had him review for me last week, and that is...what the, and I should have brought it up when John was up here about Community Corrections, but, basically, what the Commissioners responsibilities are versus what the advisory board's responsibilities are. The thing that hits me, and strikes me here, which I don't think that, at least for the past year and four and a half months that I've been here, has not been happening, is he says under IC11-12-2-4, the Community Corrections plan must be annually updated, and approved by the County Commissioners. No modification may be made and placed in effect until the state and the County Commissioners approve the amendment or modification. I know that they had some discussion in their meetings last Thursday about, maybe, some possible changes to the Community Corrections program, which I think was a very good discussion, but I think what I would like to stress here is just, maybe, an increased communication effort from the advisory board. Now, granted, I mean, I

applaud Sheriff Ellsworth, we talk quite often about what's going on with Community Corrections. So, I always know what's going on, but I think, probably, the advisory board as a whole, maybe, either send us a letter, or somebody come from the board to the meeting, or something to let us know what's going on. I think there's probably misinterpretation of who's duties are what. So, I just kind of wanted to get that on the record, because I did have Kevin review that for me, and ask that he get that to me by today, pending our discussion about Community Corrections anyway. So, I just, I just, my comments to the advisory board are just to remember to keep the Commissioners in mind as they continue to try and make our Community Corrections a good program.

Brad Ellsworth: Good evening, Brad Ellsworth, Sheriff and President of the Community Corrections Advisory Board. Since I'm here every Monday night anyway, it would probably be convenient for me.

President Fanello: Yes.

Brad Ellsworth: I'll be glad to provide you all with the minutes of the meetings, and any kind of verbal, any changes that we make out there—

President Fanello: Okay.

Brad Ellsworth: —for your approval. That's fine.

President Fanello: I just wanted...because there have been questions of me of what our duties were versus what the Community Corrections board were. I know you and I talk all the time about what's going on and everything, but I don't think really the board, as a whole, has probably been involved in a lot. I don't think there's been a lot of changes over the past year, as far as policy, other than what things you've implemented, as far as staffing and things like that. I know that there was a significant discussion last Thursday in your meeting, which I think was a good, healthy discussion, so.

Brad Ellsworth: They're good meetings. They get lively.

President Fanello: Uh-huh.

Kevin Winterheimer: If it would help, do you want me to attend some of those meetings?

President Fanello: I think it would be excellent if you could attend those meetings.

Kevin Winterheimer: If you will remind me, Sheriff. I would be glad to.

Brad Ellsworth: We'll put you on the list. The notification list of the meetings.

Kevin Winterheimer: Okay.

President Fanello: Okay, thank you, Kevin.

Brad Ellsworth: Thank you.

President Fanello: We had someone who walked in late. Was there someone wanting to speak from the audience?

Unidentified: Since the County Highway Department man is not here, does that mean you won't be discussing drainage issues?

President Fanello: Are you here for the drainage meeting later? Okay.

Unidentified: I thought it started at 6:30.

President Fanello: Okay. We're running a little bit late with the Commissioner meeting.

Unidentified: That's fine. Yes.

Commissioner Mosby: Well, Drainage Board meeting will be after Rezoning.

President Fanello: Yes, we do have Rezoning, and the, probably--

Commissioner Mosby: So, you've probably still got another hour.

President Fanello: Uh-huh.

Unidentified: That's fine.

President Fanello: Is that okay?

Unidentified: Thank you.

President Fanello: Okay.

Unidentified: I just didn't know if I should leave right now. (Inaudible. Away from mike.)

President Fanello: No, we're going to have drainage as soon as we have the rezoning, which I don't expect the rezoning to last. We're almost finished with the Commissioner meeting, so.

Commissioner Mosby: To answer your one question. You said the County Highway Department Head. Now, he will not be at the Drainage Board meeting. The Drainage Board meeting is conducted by the County Surveyor.

Unidentified: Okay.

Commissioner Mosby: Okay.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent of County Buildings.

Tammy McKinney: I don't have anything but my report.

President Fanello: Okay.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. First thing I have is the recommendations by our advisory board on the prices that they set for the concessions for the 2002 year season. Did you have time to look over them?

President Fanello: Say that again, I was—

Steve Craig: What I have was the advisory board's recommendations for the prices at the concessions.

Commissioner Mosby: I will just say, Steve, I have looked over them, and these prices are well below what was indicated in our Request for Proposals when we sent out the bid for the concession stands. So, I would make a motion to accept these prices, being as they are not 17% to 25% increases.

President Fanello: I'll second that motion.

Steve Craig: Okay, and then I had our worksheets. I didn't know on the surplus equipment that's under the other reports and that.

President Fanello: Uh-huh.

Steve Craig: I was going to make it known that I talked to Eric awhile ago, and that those had already been surplus by the Sheriff's Department, and, I guess, we need to request to get them out of surplus, so that we could—

President Fanello: Oh, okay. Now, are these in addition...I don't know how many vehicles you have at Burdette Park right now, but, and I was going to call you today, and I didn't get a chance to. Are they in addition to what you have? Or are you replacing, or substituting?

Steve Craig: Well, the van we're going to substitute. We have one that is going to be in need of a motor and that pretty soon, so we talked about using the one they said has a new motor in it. The other one will be a car for Gary, my Assistant Manager. When he had started working for us he did not want a vehicle to drive home, at the time, which he's on call, but after a while, he's changed his mind, and was wanting to have a take home vehicle.

President Fanello: Okay. I don't have a problem with that, as long as it's not a, as long as there's not a problem with funding, as far as maintenance, and things like that.

Steve Craig: No, there isn't.

President Fanello: Okay.

Commissioner Mosby: I guess, I make a motion to—

President Fanello: To remove them from surplus, and transfer them to Burdette Park?

Commissioner Mosby: Yeah.

President Fanello: Is that what we need to do?

Commissioner Mosby: From the dead, back. Well, they've been surplused, what else do you say?

Steve Craig: They are in the 90's.

Commissioner Mosby: We'll resurrect these vehicles.

President Fanello: We're going to resurrect them, okay.

Commissioner Mosby: I'll make the motion we bring them out of surplus, and give them to Burdette Park.

President Fanello: Second, and so ordered.

Steve Craig: Thank you very much.

President Fanello: Thanks, Steve.

#### **SWCD & Ozone Officer Reports**

President Fanello: Do I have a motion to accept the Soil and Water and the Ozone Officer's Report?

Commissioner Mosby: So moved.

President Fanello: Second, and so ordered.

#### **Consent Items**

President Fanello: As far as Consent Items, I think we do have some pink slip changes that we do need to accept. Is that, or we don't? Or they were already the way they were when we go them?

Tammy McKinney: There's a couple that just had, like, date changes.

President Fanello: Okay.

Tammy McKinney: But they were already in there. There was one late one, and I went ahead and put it with the group on your desk, just because you don't have a meeting until June 3<sup>rd</sup>.

President Fanello: Okay.

Commissioner Mosby: So, I need to make a motion to accept the late one?

President Fanello: Yes.

Commissioner Mosby: I would make a motion to accept the one late pink slip that was on our desk tonight.

President Fanello: Okay, second, and so ordered. Do I have a motion to accept the Consent Items?

Commissioner Mosby: So moved.

President Fanello: Second, and so ordered. If there is no other business—<sup>1</sup>

Commissioner Mosby: If there's no other business, I would make a motion to adjourn.

President Fanello: And we will start Rezoning in approximately five minutes.

Commissioner Mosby: Five minutes.

The meeting was adjourned at 6:54 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Prosecutor	County Assessor	Treasurer
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**Employment Changes:**

Burdette Park	County Council	Sheriff Department
Center Assessor	The Centre	VCCC
Supt. Of Bldgs.	County Engineer	County Clerk
Circuit Court	Election Office	Co-Op Extension
County Highway		

**Request for Service:**

County Highway	Health Department
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**Commissioners:** United Consulting Engineers & Architects Update.

**Burdette Park:** Request to Obtain Surplus Vehicles.

**County Assessor:** Declaration of Surplus Equipment.

**Sheriff:** Weekly Jail and Community Corrections Information & Reports.

**Co-Op Extension:** Lease Agreement. (Steven Kahre)

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Kevin Winterheimer
Suzanne Crouch	Tammy McKinney	Madelyn Grayson
Phil Lawrence	John Stoll	Bob Eviston
John von Arx	Brad Ellsworth	Steve Craig
Others Unidentified	Members of Media	

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<sup>1</sup>Consent Items listed on page 28.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

**Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.**

**Vanderburgh County  
Board of Commissioners  
June 3, 2002**

The Vanderburgh County Board of Commissioners met in session this 3<sup>rd</sup> day of June, 2002, at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioners meeting, June 3, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, Patty White, Commissioners Assistant; Jay Ziemer, County, sitting in for County Attorney, Kevin Winternheimer; Commissioner Mosby, myself. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have a motion to approve prior minutes?

Commissioner Mosby: So moved.

Commissioner Mourdock: I wasn't here, so I can't.

President Fanello: Oh, that's, sorry. Second, and so ordered.

**Opening of Computer Services Outsourcing: APA051-2002**

President Fanello: Phil Lawrence.

Commissioner Mourdock: (Inaudible.)

President Fanello: Is Phil here?

Commissioner Mourdock: He's coming in the door.

President Fanello: Okay. You're on.

Phil Lawrence: Me already?

President Fanello: Yes. You're on. You're number one.

Commissioner Mourdock: A man who knows how to make an entrance.

Phil Lawrence: You bet. Of course, I can't see, but, okay, what am I doing first?

Commissioner Mourdock: Computer Services Outsourcing.

Phil Lawrence: That's the bid that was opened last Tuesday at the Board of Public Works meeting at 11:00. Some of you have probably seen some of the numbers. I do have them, for the record.

President Fanello: Now, just to kind of further clarify, these are the respondents to the RFP, or to the RFQ. These would be the consultants who would help us write an RFP for our Computer Services contract.

Phil Lawrence: Yes.

President Fanello: So.

Phil Lawrence: The results, Gartner, and these numbers are basic, and there are some other numbers to be added to it. Gartner's numbers out of Chicago, Illinois, is \$280,944. KPMG, LLP is from Indianapolis, and their bid was between \$70,000 and \$120,000. McCarter and Associates was from Greenfield, Indiana, and their bid was \$35,000.

Commissioner Mourdock: And with the wide range of bids, obviously, they are looking at things differently.

Phil Lawrence: Yes.

Commissioner Mourdock: How are we going to go the next step?

President Fanello: Well, here's what...the Mayor and I met a few weeks ago, because this, obviously, the city sent out the same time, because this is a joint contract. We formed a small committee to help go through and interview each of these respondents. Eric Williams, as President of the Data Board, is on that committee. I'm on the Data Board, so I'm on sitting on it. The Mayor is on it-

Eric Williams: Phil Hoy.

President Fanello: Phil Hoy, who is the County Council representative, and Gene Koch, who's on the Data Board also.

Commissioner Mourdock: Well, with that-

President Fanello: The plan is to review them, and take them under advisement.

Commissioner Mourdock: Yeah, with that group reviewing them, I would move we take these under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Thank you.

Phil Lawrence: Next is permission to advertise the annual price APA033-2002, which is trash hauling, for the city and the county, and APA013-2002, Tires and Tubes, for city and county.

Commissioner Mourdock: I'll move permission to advertise the trash hauling and tires and tubes.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

**Morley & Associates: Discussion of O'Day Discovery Lodge**

President Fanello: Next item is Morley and Associates, O'Day Discovery Lodge discussion. Is anybody here from Morley and Associates?

Unidentified: I am, but I don't know that anybody else is coming.

President Fanello: Are you prepared to discuss—

Unidentified: Not the O'Day.

President Fanello: Okay. Steve?

Commissioner Mourdock: Steve?

Steve Craig: The last time I talked to Jim, he was going to come and discuss this with you.

President Fanello: Okay.

Commissioner Mourdock: Is it safe to say the summary of his remarks was going to be reflecting on the bid opening, or I should say the review of the bid, and making of the award?

Steve Craig: I think it has to do with that and the added fees that he wanted to charge for the overseeing of the construction of the building.

Commissioner Mourdock: Ah.

President Fanello: I guess, that would be a very important discussion.

Commissioner Mourdock: Uh-huh.

President Fanello: Well, I think we're going to have to defer then, since no one is here.

Commissioner Mosby: We can hold till later, and see if they show up.

Commissioner Mourdock: Yeah.

President Fanello: Uh-huh.

Commissioner Mosby: I mean, if they show up before the end of the meeting, we can discuss it.

President Fanello: If not, we can put it back on for next Monday.

Steve Craig: Okay.

**Morley & Associates: First Reading/ Public Hearing  
Vacation of Public Easement:  
110 Evergreen**

President Fanello: Other items, Morley and Associates, vacation of easement, public hearing. That's why we have this gentleman here.

Scott Buedel: There's Ben for the O'Day.

President Fanello: Okay, well, you can go ahead, and then we'll let Ben talk.

Scott Buedel: I'm here on behalf of Brian and Krista Housman. They are proposing to vacate a public utility easement—

Commissioner Mourdock: State your name, please.

Scott Buedel: I'm sorry. Scott Buedel, Morley and Associates. They proposed to vacate a public utility easement, which crosses through their property. Prior to, well, approximately about a month ago, they owned four individual lots that these easements bordered, and just recently, on May 24<sup>th</sup>, they recorded a replat of their property. So, now there is just one lot that they own. These easements criss cross through the middle of that property. They are asking for them to be vacated for the full use of their property. In addition, they have granted additional easements to the Water and Sewer Utility, and a public utility easement for Vectren, or telephone, whoever it may be, for utilities that are existing or proposed in the future.

President Fanello: Is there anyone who has any questions, at this point?

Commissioner Mourdock: Is this first or second reading? Did this come up last week?

President Fanello: This is first.

Scott Buedel: First.

Commissioner Mourdock: First. Just note that in the packet there are the number of different utilities that have responded with letters saying that they are, they have no objection to the vacation of the easement, so.

Scott Buedel: Correct. You should find John Stoll's letter in there. I received it a little bit late, on my part, it was my fault for that, but it should be in the packet too.

Commissioner Mourdock: Yeah, okay. Seeing no one here to remonstrate or to talk about this, I will move approval on first reading.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you.

Scott Buedel: Thank you.

President Fanello: We'll move back up to the O'Day Discovery Lodge discussion.

Commissioner Mourdock: Before we do that, Jay, do we need to formally read in the record just the property description on that easement? Often times we do that, and I'm not sure that it's a requirement.

Jay Ziemer: I don't know if it's necessary or not.

Unidentified: We can't hear you.

Commissioner Mourdock: Oh, I'm sorry. I was just saying, for the previous one that Mr. Buedel was just talking about, I want to make sure that if we need to formally read that property description, for the vacation of the easement, into the record. I want to make sure we do that. Jay, do you know, is it necessary?

Jay Ziemer: Excuse me, I don't know about...I don't know how there would be any official record, unless that would be done. I assume though it's going to be recorded at the Recorder's office, though.

Commissioner Mosby: It's been advertised, I mean. I don't remember us doing it previously.

Commissioner Mourdock: Okay. Let me just clarify it this much, and say that it is for the vacation of an easement for 110 Evergreen Road, Evansville, and that the legal description is attached with the stamp of a land surveyor.

Scott Buedel: Yes, that's correct.

Commissioner Mourdock: Okay.

Scott Buedel: 110 Evergreen.

President Fanello: Thank you.

Commissioner Mourdock: Okay.

**Morley and Associates: Revisit O'Day Discovery Lodge Discussion**

President Fanello: You're on.

Ben Kunkel: Alright. Hi, sorry for running late. I just picked up, got a copy of some questions you guys had on the bidders, and things that we, that Morley and Associates was providing the documents, and things like that. I did finish that. I have a copy of that, but then I've also got a letter recommending, from Morley and Associates, Arc Construction is the most responsible, lowest bidder. So, I would take any questions you have. (Inaudible) our response, at this time.

Commissioner Mourdock: With the letter of recommendation from both the Advisory Board and from Morley regarding Arc, do we have the formal contract, Jay? Have you seen that? I don't think it's in the packets.

Jay Ziemer: I haven't seen it, no.

Commissioner Mourdock: Okay. Okay.

President Fanello: Does anybody have any questions, at this point?

Commissioner Mosby: I guess, I would want to see your responses. I mean, because I'm the one that had Tammy send you the list of questions.

Ben Kunkel: Sure.

Madelyn Grayson: Ben, do you have an extra copy of those for the record, by any chance?

Ben Kunkel: Yeah. Can I give it to you after?

Madelyn Grayson: Sure.

Commissioner Mosby: I guess, I'll take the first question.

Ben Kunkel: Sure.

Commissioner Mosby: It says after further evaluating the specific needs of the project, we elected to perform all the work "in house". What was the difference from the first time you bid on it until whenever?

Ben Kunkel: The structure was a pre-engineered structure as opposed to a conventional sealed structure. So, we elected to just perform the footing design "in house" on the structure, the structural. Then to further...as far as the mechanical, electrical, and plumbing, we decided in order to make sure that the facility was in keeping with what we wanted, to allow, to hide all the duct work, and hide all the lights and that kind of stuff, we kept all of that under our control, which, I think, the end result we got a better product.

Commissioner Mosby: So did we, as a county, save any money by you not doing this?

Ben Kunkel: Save any money?

Commissioner Mosby: Yeah.

Ben Kunkel: It was the same fee. It did not exceed the fee that we, the hourly rates that we talked about. So, no.

Commissioner Mosby: So, we didn't save anything?

Ben Kunkel: Correct.

Commissioner Mourdock: That begs the other side of the question, is it costing us more?

Ben Kunkel: Costing us more in construction?

Commissioner Mourdock: Yes.

Ben Kunkel: In construction, or in design?

Commissioner Mourdock: In design.

Ben Kunkel: In design, no. As per our contract, we had a not to exceed amount, and we have not exceeded that.

Commissioner Mosby: I'm just wondering if, with their added expertise to the project, could we have saved money on the project. I'll flip to the side to that.

Ben Kunkel: Of the—

Commissioner Mosby: I'll go on the flip side.

Ben Kunkel: —on the construction side?

Commissioner Mosby: Yeah.

Ben Kunkel: That's a tough question to answer, but I feel like we did a thorough job, and the project came in at, actually, a little bit under the budget that we had established. So, I feel like we did a good job.

President Fanello: Are there anymore questions, right now?

Commissioner Mourdock: No. I have no questions. Again, I don't see the actual contract here with Arc. Since that, certainly, needs to be reviewed by either Jay or Kevin, I would move that we defer. Obviously, we do have the information that the Morley and the Advisory Board are telling us that they believe they are the successful low bidder, but until we see the final contract, I don't know that there's a lot that we can do.

Ben Kunkel: Did you want us to provide a notice of award after, and do the contract? Would we do that—

Commissioner Mourdock: I think we really need to look at the contract—

President Fanello: Uh-huh.

Commissioner Mourdock: —before we give notice of the award.

Ben Kunkel: Okay.

Commissioner Mourdock: I wouldn't expect that there to be any problem in the contract that would preclude that, but I think, just to be safe, we ought to do them sequential.

President Fanello: Because Kevin may have more questions regarding the contract.

Commissioner Mourdock: Right.

Ben Kunkel: The contract that was in the project manual was a standard AIA contract.

President Fanello: Okay.

Ben Kunkel: So, if you want to just review that.

Commissioner Mourdock: Yeah. Alright.

Commissioner Mosby: I'm still reading.

President Fanello: Okay.

Commissioner Mosby: I mean, if we're going to defer it, that's fine. Because I'll have next week to ask questions.

Commissioner Mourdock: Yeah.

President Fanello: Okay.

Commissioner Mourdock: Okay, well, I'll formally move that we defer signing the contract until the attorney sees it.

Commissioner Mosby: Second.

President Fanello: So ordered.

Ben Kunkel: Thank you.

<p><b>Allen Gries: Continuation of Second/Final Hearing of VC-6-2002</b></p>
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President Fanello: Next item we have is Allen Gries. This is a continuation of second and final hearing of a rezoning, VC-6-2002. I believe you were absent from that meeting, Commissioner Mourdock.

Justin Shofstall: Justin Shofstall with Easley Engineering. As the request of the Commissioners from last meeting was tabled, because it was requested for a letter from Mr. Gatewood, that there be some letter issued as to whether he has support for the project, or whether he would require a use and development commitment or private covenant restriction. At this time I would like to go ahead and present that letter.

President Fanello: Thank you. Do you have any additional copies? Or is that the only copy?

Justin Shofstall: That is the original.

President Fanello: Okay.

Justin Shofstall: The only other copy that I have is the one that I have in my file.

President Fanello: That's fine. We'll make copies.

Justin Shofstall: It states in the letter that Mr. Gatewood does give his support for the project, and reaffirms the verbal agreement between Mr. Gries and Mr. Gatewood as far as which lots that Mr. Gries will be using and developing. Also, as far as, with the private ingress/egress easement for Mr. Gatewood to use to cross Mr. Gries' property, as far as long as it being a residential use, and also as the addition, that, yes, there will be a pine tree buffer, or opaque type buffer between Mr. Gries' property and Mr. Gatewood's property.

President Fanello: Okay.

Justin Shofstall: At that point, I still believe we came here with approval, or recommendation for approval from the APC meeting.

President Fanello: That's right.

Commissioner Mosby: Is this supposed to be the private covenant?

Justin Shofstall: I believe it was stated at the meeting it was either some form of paper itself, as far as whether it be a private covenant, or whether it be a letter from Mr. Gatewood. I did prefer to have it recorded, but since with the signing late Friday afternoon, there was not enough time to have it recorded prior to the meeting.

Commissioner Mourdock: Mr. Gatewood understood that it was your intent to go ahead and record?

Justin Shofstall: Yes.

Allen Gries: He said he didn't have any problem with it last time. He didn't know why it didn't go through last meeting?

President Fanello: Well, there had been discussion, and so I think it's better for us if we can get something in writing making sure that the, when there had been questions before, if the resident had some questions about the rezoning. I know there had been talk about a private covenant, or some type of agreement. So, when you came to the meeting, it was a surprise to me that there wasn't one.

Allen Gries: Right. I called him on the way home. He said he didn't know nothing about it.

President Fanello: Okay. Well, that's the discussion that I had understood had taken place. So, in order to protect everybody's interest, I think, it's always better to get something in writing. Would you like to make a motion for approval?

Commissioner Mourdock: You might check and just formally make sure there is nobody else here to speak to it.

Commissioner Mosby: Let him look at it.

President Fanello: What's the address?

Commissioner Mourdock: 4612.

President Fanello: Is there anyone else in the audience wanting to speak to 4612 North St. Joe Avenue rezoning?

Commissioner Mourdock: Seeing none present, on second reading, I would move approval.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you.

Justin Shofstall: Thank you.

Commissioner Mosby: You have to have a roll call vote. It's a zoning.

President Fanello: Oh, I'm sorry. Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes. Rezoning passes. Thank you.

Justin Shofstall: Just one further question. As far as with us having that recorded, will the Commissioners be supplying that back to me, so I can have that filed for recording?

President Fanello: Madelyn?

Justin Shofstall: I can leave a copy here.

President Fanello: Madelyn keeps all of that.

Madelyn Grayson: I can have that recorded, but I don't have enough money in the rezoning. I think the check that you provided was only for \$9.00. So, I'll need an additional \$11.00. \$11.00, if that is two pages.

Justin Shofstall: Two pages.

Madelyn Grayson: An additional \$11.00 before I can record it.

Justin Shofstall: Alright. I will have the check cut and into your office tomorrow.

Madelyn Grayson: Make it out to the County Recorder.

Justin Shofstall: County Recorder. Does it need to be certified, or can it be just a regular draft check from the company.

Madelyn Grayson: It can be just a regular draft check from the company.

Justin Shofstall: Alright. Thank you.

President Fanello: Thank you.

**Tim Van Cleave: Reevaluation and Recommendation of VC-17-2002:  
Courts Technology Upgrade**

President Fanello: Next item is Tim Van Cleave, RFP evaluation, VC-17-2002, Courts Technology.

Tim Van Cleave: Good evening. Tim Van Cleave with Computer Services. Here on behalf of the courts technology. I do have a presentation for you. Briefly, to summarize the document, is the findings of the evaluation of the three responses that were opened here two weeks ago. Apologize for not getting this in to your possession prior to this meeting. Needless to say, there was a lot of information to process within two weeks. All three responders were very, were very respondent. It made it very difficult based on the different designs that could have been developed. One thing that I might point out, prior to going into the official recommendation, is that one of the responders, Dell, did not have a full response to the RFP. That is not to say that they could not provide some of these services, but based on the guidance that I was given by the Department of Purchasing, that information not contained within the RFP could not be presented for award. So, their score does reflect that. However, based on the scenario that the courts feel is best in the interest of the courts, and into the county, is what has been recommended here.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: My memory tells me we've gone about six or eight weeks, and come back to where we started. Is that right?

Tim Van Cleave: Very close, yes. We did make an initial presentation to the County Council on Wednesday. Their direction was to come to this body for your direction on whether to move forward with this recommendation. Then final evaluation of the financing would be performed during the second meeting of the County Council.

President Fanello: So, are your numbers of the \$600,587, is that for outright purchase?

Tim Van Cleave: Yes.

President Fanello: Then the \$630,947 is for a lease agreement?

Tim Van Cleave: No.

President Fanello: Okay.

Tim Van Cleave: Since the RFP was released—

President Fanello: Ah.

Tim Van Cleave: —there was some additional work stations that have been identified. We are actually estimating now closer to 260 work stations that will be needed, versus the 250 that were originally estimated.

President Fanello: So, is the lease price the same as the—

Tim Van Cleave: From the vendor, Matrix Integration, with Compaq, they are providing a, in essence, 0% lease.

President Fanello: Okay.

Tim Van Cleave: With a, I believe, a \$35,000 buy out option at the end.

President Fanello: Uh-huh. Uh-huh. I mean, I would say the next step, in my mind, would be to see a copy of the lease that we could review, and our County Attorney could review. So, that I could...personally, I would want to see if leasing versus outright purchase would be in our best interest.

Tim Van Cleave: And that was the courts thought, as well, is that our first step tonight was to get direction to move forward with the replacement plan that we had initially presented. If there was comfort level to move forward with that. Our request from this body tonight would be to move forward pending the review of the leasing contract by the County Commissioners, and the final directive by the County Commissioners and the County Council by final funding.

Commissioner Mourdock: What would the lease term be, Tim?

Tim Van Cleave: What we went out for in the RFP was three and four years.

Commissioner Mourdock: Three or four.

Tim Van Cleave: Needless to say, we also tried to do our best to come back with a buy out fair market value, along with step payments. Which all of those items complicated the financing to make it very difficult to try to bring apples to apples. So, that is why we felt that it would be best then, if a comfort level was to move forward with the project as it is. Then to bring the financing people from that organization in here to try to finalize some numbers.

Commissioner Mourdock: That's where my next question was going. Is the leasing actually done through this organization? Or do they, basically, just lease it through some capital company? If we lease, are we going to have a better handle on them, to make sure we get service, is what I'm asking?

Tim Van Cleave: I don't know how to answer that one. Matrix Integration has supplied Compaq and Compaq Financing is the organization that they are using to finance their solution. What they are saying is that the cost over three years would be the same as the...if you were to buy the same hardware today. Then depending on what option that you, the county, selects at the end, would depend on what the final payout would be. They have a wide range of tools, as all the financing companies that we work with, or discuss this with, so that there is no one way to do this, or any real incorrect way. The best thing to do is to take a look at what is the best proposal for the county.

Commissioner Mourdock: I agree with Catherine, certainly, we need to see what the lease terms would be, and, you know, if it's going to be a zero interest lease with basically 5% buyout at the end, it may even be possible that if we did it cash up front we would get some better value for that 5% as a discount up front.

President Fanello: I really have to have the lease agreement to see whether purchase versus lease, what our best option is.

Tim Van Cleave: I guess, what we are really looking for today is to narrow in and say this is the solution that we want to pursue for funding and direction. Or, if you want to try to find another solution. I feel that this is the best one that will help the county—

President Fanello: Solution? I'm not sure I understand what you mean as far as solution.

Tim Van Cleave: If you recall back several months ago the different documents that have been coming through. We had evaluated multiple solutions ranging in costs from anywhere from a half a million up to a million some dollars.

President Fanello: Well, I think, I mean, as far as I'm concerned, my decision is to look at the contract or the lease agreement and see if it's in the best interest of the county. You and the courts know what your best solution is as far as technology. So, I can't make that decision for you.

Tim Van Cleave: Okay.

President Fanello: That's how I see my role anyway.

Doug Knight: Doug Knight, Superior Court. I'm hoping what we can get here today is some consensus on the direction of the project, and the approval of the project. I see the choice at the end always being open on a direct purchase or a lease, no matter, depending on how the numbers crunch out to everybody's advantage. The problem we immediately face is having to replace 250, 260 desk top computers. We have only in place about \$125,000 for this year, and then we have to start a funding cycle really quick through the County Council to, at least, get a commitment for the balance of something in the neighborhood of \$630,000. I suspect the Council is going to say, well, if the Commissioners okay the project, granted that the last stroke of the pen may be on a lease or an outright purchase of...not only the desk tops, but servers, upgrade to the software that we're dealing with in terms of Word Perfect. There are so many nuances to this project that it is so hard to get your arms around.

Commissioner Mourdock: I think what I heard Catherine say a minute ago, I'm sure you'll correct me if I'm wrong, is that you were okay with their solution, but you want to look at the financial decision as to whether it's a lease or an outright purchase.

President Fanello: Uh-huh.

Doug Knight: Okay.

Commissioner Mourdock: So, I think we're saying—

Doug Knight: I misunderstood then.

Commissioner Mourdock: Okay.

President Fanello: Yeah, I mean, I think it's your choice to determine whether the technological solution you've picked is your best solution. I can't make that choice for you, because I don't work in the courts, but I can definitely offer my perspective from as far as the lease contract and those things.

Doug Knight: Certainly.

Commissioner Mosby: I'm comfortable. I mean, I'm comfortable with what you've came up with, and as long as the Council is willing to fund it, I mean, I don't have a problem with it, so.

Doug Knight: A lot of hard choices really did go into this project. Thanks to Tim and Marsha Abell and what little I had to offer, hard choices were made. In the long run, even in the short term, in some of these situations, the replacement of these desk top units is the right answer. If the most economical way to pay for it is, obviously, in everybody's best interest. Thank you.

President Fanello: Thank you, Judge. So, you'll get a copy of the lease agreement?

Tim Van Cleave: I will contact Compaq Financing and have them get...do you want one with numbers? Or a rough draft, at this point, what it would be prior to numbers?

President Fanello: No, I would really like to see numbers, because I think that, I think we need to see the whole thing.

Tim Van Cleave: Okay, and would you also like the financing group to come down and make a presentation and actually have them in the meeting?

President Fanello: I don't know that they need to make a presentation. Just as long as they submit all the information, I think we'll be able to evaluate.

Commissioner Mourdock: The numbers are what the numbers are. It's simply what's the best option at this point.

President Fanello: Yeah.

Tim Van Cleave: And, I guess, the main reason I bring that up is the other tools that they may have at their disposal that once you go and tell them here's the numbers we want run, that may not provide you additional tools that they may have to make this even a better financing opportunity.

President Fanello: Oh, I see what you're saying as far as financing options.

Tim Van Cleave: Because once you go through the initial piece there are multiple options at the end of the lease that you can go into.

President Fanello: I think, why don't you let us at least read it and see how we interpret the lease agreement, and then I think we can...if any of us have any questions, as far as presentation, we could do that.

Tim Van Cleave: Okay.

President Fanello: Or if you could supply us who we need to call in case we do have questions.

Tim Van Cleave: Will do.

President Fanello: Okay. Thanks, Tim

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

(Tape Changed)

**Any Group or Individual Wishing to Address the Board**

President Fanello: Thanks, Madelyn. Is there anybody in the audience wishing to address the board?

Unidentified: What did you say?

President Fanello: Anyone in the audience wishing to address the board.

Unidentified: Please.

President Fanello: Sure.

Harold Gourley: I'm Harold Gourley, and I live at 8700 Old State Road. I'm happy to report tonight here that I'm not here just to represent the property owners involved in the widening of the Mt. Pleasant Road, but so many people have driven by my property and seen the stakes that they said what's going on, Harold? So, one of them recommended that we get a neighborhood organization going. So, I'm here now, we have a north side neighborhood property owners association now. So, I'm speaking for them, and we're at the stage now of where we have street representatives. For example, like from the bridge at Mt. Pleasant to Old State, and then from Old State to Mt. to Darmstadt Road east and west, and then north and south from Old State and Mt. Pleasant to Hillsdale. Then going south from Old State to Campground Road. It really impacts the entire Highland community, and so that's where we are now with the exception of Deerfield, which has it's own property owners association. So, I'm here representing more people than just the people involved. I would like to ask a question, if I may? On April the 8<sup>th</sup>, one of my neighbors, Larry Kremer, appeared before the Commissioners and requested that they redesign, or another look at the Mt. Pleasant widening project be looked at. Because at the time that we first became aware of it was a newspaper account in the 1999 when it said Mt. Pleasant from Highway 41 North to Old State Road at a cost of \$1 million. Now we find out that there's going to be three lanes, four turn lanes, and the cost is over \$2 million, at this point. So, we were very pleased and happy that the board, the Council, Commissioners here did grant the request. So, I'm here to see if we have an up-to-date report. It's been about two months now, and see if they have looked at the design and made any comments or suggestions or any revisions to that. So, at this time, that's why I'm here to ask a question, what has been done since April the 8<sup>th</sup>?

President Fanello: Excuse me, well, on May 24<sup>th</sup> our County Engineer, John Stoll forwarded us a letter of all the research that he had done, and the people that he had met with. He had given us a price, probably about three weeks ago, or so, four weeks ago, about how much it would cost to hire someone to redesign, and that was about \$83,000. He has forwarded us a three and a half page letter on his findings and recommendations. His recommendation is to keep the project the same as it was originally designed, looking at the long term aspects of the project. So, I guess, I would ask the rest of this Commission if they have had time to review the letter presented by John Stoll, and if they have any comments or thoughts? Because I

think we do need to give the residents an answer, and we need to go ahead and give John an answer of how we are going to proceed here.

Commissioner Mourdock: Yeah. In the several parts of that question, yes, I have read it. I presume though, Mr. Gourley, you have not seen that letter, right?

Harold Gourley: No, I have not.

Commissioner Mourdock: I would certainly like to see us get a letter to Mr. Gourley.

President Fanello: Okay.

Commissioner Mourdock: So, John, or Patty, whoever, if we can make a copy and make sure that you and other folks in your new neighborhood association, I guess, even get a copy of that. As far as the findings in the letter, I understand in reading through it, and certainly John documented what the INDOT numbers are, what the EUTS numbers are, and those kind of things, but, I guess, I still have a real problem with going back, and....like Mr. Gourley's neighbors, when you go back and see where the stakes are, and see how it's going to affect the neighborhood, it's not something necessarily that I feel comfortable doing, at this point. So, that's my view.

President Fanello: So, you don't feel comfortable with the design as it was originally designed?

Commissioner Mourdock: That's correct.

President Fanello: The original project. Based on the traffic counts, even though the traffic counts warrant the turn lanes, you don't feel comfortable with that.

Commissioner Mourdock: That's right, and let me just add, and John can speak to this more than I can, but in any engineering study there is always what is called the "f" factor, which is to say the fudge factor. You know, you always design for safety, and then you go one step beyond that. It seems to me that the development potential that we've reached at that intersection, while it may now be bumping the edge of the literal number that's put out by the state as far as their, well they call it their warrants, where you have to be warranted to do something. I don't see that we are going to increase dramatically. That neighborhood is so mature, if you will—

Harold Gourley: That's right.

Commissioner Mourdock: —I don't see adding a lot more vehicles to it—

Harold Gourley: That's correct.

Commissioner Mourdock: —if it's working at this point, I just, in looking at John's report, and looking at the intersection, I just don't know that it's worth doing.

President Fanello: Don't take this the wrong way, but is that theory going to hold when we start talking about Ninth Street?

Commissioner Mourdock: We can certainly talk about it. That's a good comparison. I do see it as somewhat different, but that shouldn't surprise you at all, right?

Harold Gourley: Well, I didn't hear her comment. I only have one hearing aid in today.

President Fanello: Well, we're currently--

Commissioner Mourdock: It wasn't so much a comment as it was a pointed jab towards my (Inaudible. Talking over each other) of the jail issue.

Harold Gourley: I want to hear the good stuff (Inaudible. Talking over each other.)

President Fanello: We're currently discussing Ninth Street back here, and possibly vacating a portion of Ninth Street--

Harold Gourley: Yeah.

President Fanello: --and we have very low traffic counts, of which I think do not effect the vacation of the Ninth Street, so.

Harold Gourley: What Commissioner Mourdock was relaying to was more or less some of the comments I'm receiving when...the people that we've interviewed in the area, and their questions are always why, why do we need three lanes? Do we need another NASCAR trial run from Old State to the bridge? Another one is, the question was well, who recommended, where did the recommendation come from? Has the community, have we had impact? Of course, the property owners have not. In fact, I received a letter in 1999 saying that the...well, I guess, when the Commission at that time okayed the project, saying that if it was going to affect my property, I would be notified. I still have that letter. I was notified when the appraisers came, and while I was on vacation the stakes were in my yard. So, I feel like as a citizen of this community, and having lived on that corner for 40 years, I've seen a lot happen. Almost every subdivision developed from Spring Haven all the way down to Mt. Ashley and Northbrook One and Two, and Ridge Knoll, and all of those. The traffic count is not what they are saying. The two things that I've heard mostly is, well, you know that's a dangerous corner. I have lived there for 40 years, I don't remember a fatality at that corner. Of course, you will always have wrecks. My neighbor here, Tom, he's been there about five years? Oh, ten, okay, ten years, and the same thing. The other comment I hear is from EUTS is that...I haven't read this report, I'm sure it's in this report that by the year 2025 there may be 59 cars at that intersection, you know, the passing. Well, that's 25 years from now, and I think where else can we, you know, go with the developments? They are there. So, that's why we just don't understand where the county has this kind of money to spend an extra million or so for something that's not necessary, in our feelings.

President Fanello: Well, I don't think that it's seen as not necessary, because all the information that John has presented in this letter is based on traffic counts and the standards and guidelines that he goes by. I think that what we probably need to do is go ahead and get you a copy of the letter, and maybe you can distribute a copy to the residents out there. We would be happy to have you back next Monday night, and we can discuss it, after you've had a chance to review the letter and see what his recommendations are. Then maybe if you have questions on what he is suggesting in the letter, then maybe we can address those questions. Right now I'm comfortable with the way the project was originally designed, because of the standards that he has stated in the letter, and the traffic counts. I've been a big proponent of long term planning, and if we are going to do this project, I feel like we need to do it right, and it needs to meet future, future growth, and future needs. So,

I'm pretty comfortable with it right now, but I would like for you to take the opportunity to look at the letter, and then maybe come back at next Monday night's meeting with your thoughts.

Harold Gourley: Well, certainly appreciate that, President Fanello, but, you know, at the same time, we feel a little bit hurt in our community that some of the people were aware of this from the word go, and the rest of us whose property is being impacted—

President Fanello: Uh-huh.

Harold Gourley: —it was a surprise to us. I think all of us should have been treated fairly and equally. This is a representative government.

President Fanello: Uh-huh.

Harold Gourley: This is a representative group here, and we feel like we were sort of slighted on the input and the engineering of it.

President Fanello: Well, maybe what we need to do..that's a factor that we need to address in how we better inform the public of the road projects that we are currently looking at, and that have been adopted by EUTS, and by this Board. So, that's something for us to consider how to better communicate.

Harold Gourley: I know you are busy people, but I would just like to share with you a report, how it will affect just one property—

President Fanello: Okay.

Harold Gourley: —not counting all the properties, but this is just one property that it will affect. I think it will surprise you the cost.

President Fanello: John, why don't you, oh, I'm sorry, Commissioner.

Commissioner Mourdock: John, what is the margin that is looked at in that kind of engineering thing as far as a safety factor? Is it 20%, 25%?

John Stoll: Nothing was factored up on that. That was just the actual counts. The future traffic counts were straight from the EUTS computer model. The turning volumes were based on ITE trip rates, and assigning those based on percentages that EUTS had gotten from previous studies. So, they weren't factored up or anything like that.

Commissioner Mourdock: Okay, I realize those data weren't bumped up, but what I'm thinking probably has some factor in it is what the state uses for their traffic count to say that an improvement is warranted.

John Stoll: Off the top of my head I don't know what their original basis is. They don't, in their design manuals they don't give the criteria on how they developed, what warrants—

Commissioner Mourdock: Okay, but you would agree with me that there is probably something in there for however they do their formulas?

John Stoll: Basically, I would say so. They typically include some margins for error.

Commissioner Mourdock: Yeah.

John Stoll: The flip side of that, I guess, would be if the state pursues the project they've got on 41, and they do close off the intersection up at Old State Road, we could see even more traffic than what is currently projected up there. So, there again, I know we're dealing with future, and it's impossible to say what's going to happen, but that's another thing that would drive the count even higher, rather than lower.

Commissioner Mourdock: Uh-huh.

President Fanello: Well, John, why don't you go ahead, you can...Commissioner Mosby's copy, I've got highlights on my copy, but he's got a clean copy, go ahead and maybe make a copy right now for Mr. Gourley, or did you already give him one?

John Stoll: I gave him three copies of it.

President Fanello: Okay.

Madelyn Grayson: I will need a copy of that letter for the record, and Mr. Gourley's report. He didn't have an extra one.

President Fanello: Okay, we'll get you one. Is there any other questions right now?

Commissioner Mosby: Not right now, but—

President Fanello: Okay, we'll go ahead and put it on next Monday night's agenda. If you want to come back next Monday night.

Harold Gourley: We certainly will.

President Fanello: Okay.

Harold Gourley: Appreciate the invitation. We'll be there.

President Fanello: Okay. Thank you. Is there anyone else in the audience wishing to approach the board? Okay.

<b>New Business</b>
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President Fanello: Is there any New Business any of the board members have?

Commissioner Mosby: Pardon?

President Fanello: Any New Business?

<b>Old Business</b>
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President Fanello: Old Business. Our favorite discussion, site selection for the new jail facility. I'm getting gray hair people. Well, Richard, you were not here at the last meeting, and the night that we received the site survey back, and talked about that. So, I think we need to go ahead, if anybody has any points on that, and then talk about that, but we need to come to what I feel is a final conclusion. I felt like

Commissioner Mosby and I made the first step towards that at the prior meeting. But we do not have any more time to waste, and I'm going to say, we've got to cut it off. So, we've got to come to some conclusion. I know that you had several questions that you had e-mailed. I believe a majority of those answers can be found in the past research that United and the design team have done, and also in the site survey. So, I'm hoping that over the past couple of weeks you had an opportunity to get those questions answered.

Commissioner Mourdock: Well, the several questions, yes, I've looked at, and your comment a moment ago about Ninth Street, as I put in the notes you referred to a moment ago, my view of Ninth Street is we need to have some alternative there. Certainly, the one option that was presented, I think it was detailed as option three, might require the closing of Ninth Street, in its present form, but also would leave something open as per the EUTS plan of several weeks back. So, you know, I see something like that as being viable. I think the bigger question on the site comes back to what serves the community's best interest here with all the space out there, with all these other things, including, certainly, parking, proximity to C.K. Newsome, proximity to the new convention center. I don't know which of those sites, at this point, you want to deal with, specifically, by way of discussion, but I still feel, I mean, my feeling is that that option three, which is kind of a compromise site between both the area close to the back 40 and the courts parking lot is the better option.

President Fanello: You mean the one that wraps around Ninth Street?

Commissioner Mourdock: Right. Right, and that does affect Ninth Street-

President Fanello: Uh-huh.

Commissioner Mourdock: –and that, with that, what I'm saying if that is the plan, and if a part of that plan can be that we get Ninth Street connected per the EUTS drawing, something like that, I could certainly support that. I just strongly feel that going into the back 40, as it were, is going to not be in our best long term interest, because space is always at a premium.

President Fanello: And I'm going to differ with you on that, because I don't think wrapping it around Ninth Street and the courts parking lot is in our best interest, because I see a vertical expansion with that option, and I'm not really fond of that based on the research that's been done by the design team. Also, I think that, if there was anything other than vertical expansion, I mean, you're talking about expanding onto Sycamore, possibly, or, and I think that affects the Mayor's Downtown Master Plan more than us vacating this small portion between the Civic Center here and the back parking lot. I will take anybody else's comments, but when everyone is finished, I do have a letter that I have drafted to the Mayor, and anyone who wishes to sign it, may sign it, but I feel very strongly about this decision. We need to make a final decision, because our design team has reached a point where they cannot go any further until we select a site. I would like to, personally, rule out the Judges parking lot as a site. That's my personal opinion, so. Any comments from?

Commissioner Mosby: My comment position hasn't changed. I've been an advocate of vacating Ninth Street. I looked at the traffic counts, I mean, it clearly shows, that if anything, the road services, probably, the people that work here at the Civic Center, that would, possibly, get off of Sycamore, come over to Ninth and into the back 13.7, if you want to call it that. I don't see much public use in the line of that

small version of the street that runs back there. You know, in discussion with Rose down at EUTS, the director, and looking at the Downtown Master Plan, I mean, it's obvious you can't get off of the Lloyd and come down Main and use any portion of Ninth Street as a thoroughfare to downtown. I mean, it services nothing except between the parking lot and the Civic Center. It's a valuable piece of land that I think we need right now in constructing a new facility. If we are going to go towards the back 13.7, and construct a stand alone facility, I would probably go on record as saying, you know, then we need to move and look at an alternative site, which would be a green field site. Because, we are not going to do ourselves any justice to go back there and build, push the building back further than what it needs to be, have to build a parking garage on top of it. If we are going to build a parking garage, go out and buy the ground. You know, and that's the way I see us moving by pushing it towards the back 13.7.

Commissioner Mourdock: Well, I'm hearing two widely different things though. Let me be sure I understand. Because, Catherine, I hear you saying we need to vacate Ninth Street so we can use that in some way as part of this process, and, let's be clear, none of us are talking about a temporary vacation. We are talking about a permanent—

President Fanello: No, I'm talking about a permanent vacation.

Commissioner Mourdock: Okay, so you're saying we need to vacate it permanently.

President Fanello: Uh-huh, and build on that portion of the back 40—

Commissioner Mourdock: Okay.

President Fanello: —as identified in the site survey, which really has, virtually, almost no effect on the parking.

Commissioner Mourdock: Okay, and I just heard David say something about moving further back, which, at least in my mind, paints a picture of having Ninth Street open. David, is that what you're saying?

President Fanello: He does not want to move further back.

Commissioner Mosby: No, I don't want to move further back.

Commissioner Mourdock: Okay. Alright.

Commissioner Mosby: If I'm going to do that—

Commissioner Mourdock: Well, then with those two points of view, let me ask you this question, because I think this is where we're not doing as good a job as we need to, which is to build consensus for this whole project. Let's assume two minutes from now the two of you vote to say, okay, this is it, we are going to sign this letter, send it off to vacate Ninth Street. We're going to send the design team off to start doing that project, drawing it all up, and then the political will isn't there at the City Council to make it happen. Where do we go from there?

President Fanello: Well, what I think we need to do is to make our decision known, because, obviously, they can't move until we make a decision. Then I think it would

be very appropriate to have Bernardin and Lochmueller come in and make a presentation on the site survey. I think they need a full presentation.

Commissioner Mourdock: They meaning the City Council?

President Fanello: Yes. What I've heard from them so far is that, you know, there's about four people that have their mind made up, and to me that has turned this into a political issue, and it doesn't need to be a political issue. I'm asking for everybody to keep an open mind. We go over there—

Commissioner Mourdock: Yeah.

President Fanello: —let them know what our decision is, and I think it would be appropriate, like I said, to have a presentation by our design team, Bernardin and Lochmueller, anybody from the soil survey, but I think, you know, they need to, they need to have these people over here to ask them questions.

Commissioner Mourdock: I would caution you against saying whenever someone disagrees with you, it's a political issue. Because my disagreement on the site is, has nothing to do with politics. It is what I sincerely believe is in the best interest to the county. That's not—

President Fanello: I did not. I did not mean you.

Commissioner Mourdock: —Republican. That's not Democrat.

President Fanello: I meant—

Commissioner Mourdock: Well, even on the other side, I'm going to respect the Republicans, and I have not spoken to any one of the three Republicans over there. I have spoken to Connie Robinson a number of times in the past, to try and get her input as to what she thinks would be best for something in her ward. It's not political. It is simply what we each, independently think is our best, best forecast for what is in the community's interest. Let me go back to something I said a moment ago. I think we need to have a better process in place, to make sure we're building consensus as we go along. A few years back we had what became known as the Blue Ribbon Committee, where we had all these various stakeholders involved with it, so that everybody was getting information at the same time.

President Fanello: Uh-huh.

Commissioner Mourdock: I would strongly suggest, and you are President of the Commission now, and the President of the Commission had that responsibility to chair that group. I would strongly suggest that you call all those people back together with the Blue Ribbon group—

President Fanello: That group has been meeting every Thurs...or every third Thursday, Eric? For the past, I don't know how many months. It's now called the Criminal Justice Planning Group Committee, and it's very hard to get people to show up to that committee, but we've been meeting for over a year?

Commissioner Mourdock: Well, I think—

President Fanello: Yeah.

Commissioner Mourdock: –more evidence of that committee, or more input to the committee would be serving us well right now–

President Fanello: Uh-huh.

Commissioner Mourdock: –because I think...I don't know who's on that group from the City Council, from the City Police?

President Fanello: Councilman Hoy's been attending, Judge Knight's been attending, Judge Bowers has been there several meetings–

Commissioner Mourdock: City Council.

President Fanello: –Judge Heldt...oh, City Council?

Unidentified: Joe Reeves.

President Fanello: Yeah, Joe Reeves from the City Police. There has not been a City Council member there, because, I don't know why, and I don't know if they served on the Blue Ribbon Committee, but–

Commissioner Mourdock: Yes, they did.

President Fanello: –definitely everyone is invited.

Commissioner Mourdock: Yeah, the Mayor had an appointment.

Unidentified: (Inaudible. Not at mike.)

President Fanello: Yeah, they are copied and invited and on the meeting, and, so. I mean, they have not been attending the meetings, but this group has been meeting, and we've been discussing ways to keep the population down. There's been extensive discussion going on.

Commissioner Mourdock: The point is, there has to be something, I think, at a higher profile to make sure those people feel like they are getting their opinions dealt with before the decision is being made. Because, and, again, call them politics if you want to, but I think if you go through this, I don't think it's going to happen. It isn't just because it's Republicans. I think you need to be prepared if that happens. What's the next choice? Maybe it is, as David said a moment ago–

President Fanello: Uh-huh. Uh-huh.

Commissioner Mourdock: –going back more green field, but it seems to me, if we do that–

President Fanello: Well, I felt like, you know, writing a letter to let them know, you know, what the reasoning was behind why we were wanting to vacate Ninth Street, and I feel like I said that it would be appropriate for us to go over there and make a presentation, and to have the Sheriff go, Bernardin Lochmueller go, the design team go. I mean, nobody's trying to keep any information, or force a vote on somebody, but if we don't make a decision ourselves, and have consensus among us three, how can we take something to someone else?

Commissioner Mourdock: Uh-huh.

President Fanello: And I think, you know, over the past year and a half I've seen numerous meetings take place. United has been down here to hold numerous programming meetings. I went through and reviewed those notes last night again, and saw that the majority of the people, you know, want the jail facility near the courts building. That is a consensus. Now, no one, yeah, I've had, I've asked the Prosecutor, I've asked the Judges, quite frankly, they want the building built. I mean, they feel like it's our three, us three right here are the one's that need to make the decision of where it needs to be. I think that's what we need to make a final decision, and then go to the other elected officials and say this is why we made that decision. Here is the information. Here are the facts. I mean, they are going to have to, obviously, vote on it in the end. We can't force them to vacate a street that they don't want to vacate.

Commissioner Mourdock: And I'm trying to move us further in the process, not by slowing it down—

President Fanello: Uh-huh.

Commissioner Mourdock: —but by making it move faster. Because I don't think that we have, at this point, gotten all the support we are going to need to do it. I'm not beyond compromise on this thing. As I said a moment ago, with version, or option three, as it's described, in that situation—

President Fanello: Uh-huh.

Commissioner Mourdock: —yeah, I'd go with you on the Ninth Street proposal, providing there was something to, again, align with what EUTS presented us a few weeks back.

President Fanello: Well, the Mayor does have a site survey. I met with him over two weeks ago, approximately two weeks ago, in fact, I think I met with him the Tuesday, yeah, the Tuesday after the meeting that you were not, the night we discussed it, May 17<sup>th</sup>. So, he does have a copy of the survey. I pulled out the maps, we went over everything. He said he was going to get with the City Engineer and Rose, and I have not heard back from him, except for an e-mail to say that he is still against closing Ninth Street. I understand that, I mean, that's where we all have to make a decision, but I'm going to go on record saying why I want Ninth Street closed, and why I think it's in the public's best interest to have this facility connected to the courts building. That's my position. Now, if, you know, we're going to have to go out somewhere else, then we have to go out somewhere else. But, the Sheriff and I had extensive discussion last week, and if he would be so accommodating to offer his comments on Ninth Street. We talked about the walkway.

Brad Ellsworth: I'll try. Sheriff Brad Ellsworth. I don't envy your all's position, because it is tough. But, as being somebody who's been on just about every meeting regarding this, I'll try to give my best, as a consultant to this, I guess, because I have to work in the place, but don't have any vote. Having worked with United and touring, you know, somewhere getting close to 50 jails now, and seeing how they are designed, and worried about after hearing that 90% of the cost is the operational cost versus 10% building over the course of the jail, I have a lot of concerns about back here. I have to go on record saying that I am, although we can work in anything you all build. We'll make it work, but I'm dead set against putting

it in the Judges parking lot. That being a totality of the things that we've talked about. I think what backs us up here is not just United, who we chose, but also when Hafer's group came in and made their presentation, they, Allan Braun stood right at this podium and said that going up was going to be a major problem for them. I think that, you know, we don't trust United, why not trust Hafer. The problems with back here are going to be the design and the flow of this building. Take, for example, this week I had one of my delivery trucks that ran into the side of the jail and knocked a chunk of concrete out of the existing jail. This is because there is no place to pull in an 18 wheeler to make deliveries. That's with a 268 bed jail. I don't see the area where I'm going to be able to stop an 18 wheeler, unless we get rid of all the police cars on Sycamore Street, and cut another curb cut, you know, where is the other services that come in? It's not just beds. There's a whole lot that goes into this besides beds. We're designing pods right now, that if we make them square, then they have too much square footage per inmate. We don't want to do that because that adds the cost up. If we make them round, or we make them star shaped, then each, each corner costs more, every corner on the outside of the building. So, we're wrestling with that, but none of these pod designs we are coming up with are going to fit on that parking lot over here. My best suggestion is that you design, I've always said this, you design a building that runs efficiently, and then you find the place to put it. We can work in anything you all decide. We can have a tunnel. We can have a bridge that is two miles long, and goes down to South Kentucky. I guess, we could walk them that far, or train them, or something, but, you know, the most efficient is to design your most efficient building, and then see where it fits, from what I've seen in all these meetings. I think it will be a hassle to connect to the courts on that side, when all of our holding is on this side. We are going to have to build some holding on that side if we bridge across the street, unless we butt up right to it. It's still not the ultimate design, because we still have to jut around and go catty corner into that parking lot. We are going to have to work this around. That's going to be easier to go across and out that way, if we can't connect. If there is no way we can connect to the court building, then my recommendation, based on what I've heard, is that we go totally off site. The reason I say that, that way you could design the building you want to build, and stick it on this field, parking lot, whatever it's going to be. We then would have to force, convince, beg the judiciary to use video arraignment. That would cut down on our transports. We figure that through video arraignment and building a court building, a court room in that facility, a small one for hearings, that you could probably cut down on 85% of the transportation of inmates. Now you're down to really workable numbers, because we probably only have 2% of our charges that actually...maybe less than that that actually go to trial per year. Where they need to bring them for a trial. Now, you are going to have to have some come over, but I have to go on record and say I am against that design. When we get that way we can open it up more to make it an efficient design. The tunnel is not unworkable. It's not a project stopping...I shouldn't say tunnel, I should say the bridge is not a project stopping in our eyes. It's certainly not the most efficient design, because it changes the whole way we are talking about administration, a sally port. There is things besides beds. Where do we pull the van in to move these inmates? The bus in to move these inmates? Those kind of things are all things that we are thinking about, but we need that site to go on and try to move this in an efficient building. So, if that helps, I don't know. I don't know if I answered any questions.

Commissioner Mourdock: Well, I think there is still a lot of questions to be answered here. Your comment about having the 18 wheelers back up, or doing that. When Veazey Parrott and Shoulders stood at that microphone a few years ago, and told me how they were going to set it up over across the street for the convention center, I thought there is no way that something like that would work. The thing about a

good architect is, and that's not to infer that United or DLZ are not good architects, I don't mean that that way. I think we have been so prejudiced in our thinking against the courts parking lot from the get go that every design that's been talked about has been more pushed towards the one level design, because it's more efficient to operate. You now, I think there are a lot of ways you measure efficiency. I've said this before, I have, and I said it in my note two weeks ago, you know, we're getting ready to spend \$34 million, \$35 million, that all of us on the Blue Ribbon Committee, from the old days, would agree is the wrong project. Because it's not 700 beds. It's 484 beds. To me that is crazy for us to spend \$35 million building something that we know is the wrong answer. To me we have to have some better efficiency, which incorporates the whole system, and I'm not convinced that when you think of the parking space issues over there, again, the C.K. Newsome Center, the convention center and all those things, there are efficiencies that go beyond working in the jail. There are a lot of aspects to this.

Brad Ellsworth: I agree. I think, you know, I mean, I'm not here to get in a match with Connie Robinson, but City Council should also be concerned about that, you know, there is a lot of constituents, not just hers, but everybody's, that are 112 people laying on the floor over there. As opposed to the proximity to C.K. Newsome Center. I mean, that's, like I said, I'm not here to get in a match with her, but there's bigger concerns here than how close it is to another building. This jail has been, it's, you know, a 1/4 mile from a church. It's catty corner from YMCA. There's a lot of kids that run in and out of the YMCA, and nobody's every been concerned that this jail is too close to them before. So, I know that's...I've been through enough of these meetings to know that remonstrations—

Commissioner Mourdock: But that's because this jail has from 1969 been part of this whole Center.

Brad Ellsworth: Right.

Commissioner Mourdock: Now, we're talking about something separate.

Brad Ellsworth: Right. I can tell you that this new jail will be as secure, and there won't be any difference than the old jail. I wouldn't have a bit of concern putting this, moving it from here to here—

Commissioner Mourdock: Yeah, I don't think the question is security. At least in my mind it isn't.

Brad Ellsworth: Then I don't know what the question is in having it close to the C.K. Newsome Center?

Commissioner Mourdock: Well, it's just the image of having the jail next to the convention center. When you've got people coming in and out and it's right next...they are parking next to the jail, is that the right image we want to give. It's those kind of issues.

Brad Ellsworth: Then, you now, then move it out. You find, you know, in the middle of a junk yard somewhere. I don't know.

Commissioner Mourdock: We may go back there. I don't know. I mean, it's, like I say—

Brad Ellsworth: It's not my fight though. I'm just trying to give you my opinion.

Commissioner Mosby: I mean, I guess, there's probably a lot of people who don't realize they are parking close to a jail right now. I mean, and I think that's the biggest thing, because the jail is already here, and, I guess, that's the hardest thing I have buying is, you know, all we're doing is moving around the corner. It's not like we're bringing it in from out at Wansford Yard and going to sit it in the back 40. I think on the flip side of that, the problem is, and that gentleman right there wouldn't want us bringing it out there on Old State Road, and sitting it. I mean, what if we was taking his property for that? I mean, that would be a prime example, I mean, would he want that rather than a road? I'm not advocating putting this in anybody's back yard when we have the space available. Now, I'm going to go back to a comment you made a minute ago about the 650 beds, and that's one thing that I said on the record two weeks ago that I totally agree with you, and I'm glad you put that in writing, because I wish you would have advocated that with the County Council all last year when we were over there fighting, and we couldn't get the money to build the 650 beds that we need. That's why we're sitting here working with a \$35 million budget. Now, what hasn't been presented to the City Council yet, and I think what we've all got to look at, that's why we need to get this in their hands. They are probably not familiar with the project. They are not near as familiar with the project that everybody sitting in this room is, because we've heard about it for a year. We need to go over and familiarize them with the project. I'm sure they know, through the newspaper, that all we've got to work with is \$35 million. So, going out and buying a piece of land is going to be very detrimental to the project if we have to take \$5 million out. Because we are going to be less than the 484 that we're complaining about right now. I mean, we are going to go down to, probably, somewhere in the neighborhood of 425. I think we have to let them know that this is going to be a problem on everybody's back. Not just the county, I mean, every city taxpayer pays county tax too. So, 77% of the people that we are referring to here pay county tax that live in their jurisdiction within the city. So, let them understand that if we don't use Ninth Street, and we do have to go off site, or we do have to go back in the back 40 and move this project around, or whatever, we have to start spending money for land, that becomes a burden on every taxpayer's back in this city. It's a burden that they don't need to be picking up on right now. That's why I think we need to go ahead, file the vacation for Ninth Street, and familiarize them with the project. If they make that ultimate decision that they don't want it back there, or if they pass it and the Mayor vetoes it, let him make that decision. Then we will make a decision from there where we go, but, I mean, somewhere you have to start. You crawl, then you walk. Well, you know, we need to start crawling. Let's get it over with.

Commissioner Mourdock: That's fine, David. I don't have any objective, or any objection in pushing this thing to them to get a decision from them. My earlier comment remains. I think we've done ourselves a bit of a disservice by maybe not building a bridge fast enough to get them involved with the process. Be that as it may, and I did read your comments from last week, and I still say it's the County Council's job to determine what the funding level should be. They said \$35 million, that's their job, and whatever we can get...if we could get 600 beds for that \$35 million, I would be all for that. I think we just need to keep the options open here. Let's move the thing. I'm as tired of talking about this project as you guys are, maybe more, because I've been doing it longer, but let's move on down the road. I think we'll be revisiting this one again.

Commissioner Mosby: Oh, I think with \$35 million we're going to be revisiting it the day that the Sheriff opens the new jail. Because we will probably cut the ribbon out front and walk out back and do the ground breaking. I mean, and that's about what I see. I mean, I totally agree with you. Is it adequate? No. Is it a disservice? Probably so. I'll go on record as saying that. We all know 484 beds is not enough, but, once again, the County Council did not ask, you know, what do we need, and what's it going to cost? The County Council said, here's how much money you've got, build what you can. Most people that I know that are going to build a new home, they don't build a new home that a way, but, I mean, that's the way we are going to approach this project. We're going to say we've got "x" amount of money, and we're going to build whatever whether we get more than what we've got now, or, you know, however it shakes out. So, you're right. We have to live with that. We're not going to get what we need for \$35 million, but they're very aware of that. I think they were aware of that from day one. It was just a stand off battle that they win.

Brad Ellsworth: If I could just add a comment. The one thing that will save us in this project, if we all agree that 484 is not enough beds, the only way we save ourselves in this is by building those core...we've been to enough of these classes, the core facilities, the laundries, kitchens and that big enough at the very start, and then add housing after that. That's one of the things that I've been trying to do in those meetings is say, whether it goes there or straight up or whatever. I think we have quit, I heard a comment from somebody saying, well, that space is awful big, and let's cut that down. It's going exactly against what we've always talked about. I don't know even who to attribute that comment to about that this warehouse is too big, or this kitchen is too big, you've got extra space. Don't know who said it, but that's a ridiculous comment. Because if you don't make the extra space in those core services first...the housing units are the easiest thing to add at the end. That will be the cheapest construction. So, if we do have to add housing at the end, whether it's up or whatever, if we don't make those core services, we are going to be in the exact situation we are in right now, and we're really digging ourselves a hole by not doing that in any concept we come up with. So, you know, we can live with 484 right now, to settle this law suit, if we make everything big enough to add the pods later. Because we are already going to be out of housing units. There is not a jurisdiction that does this that doesn't, you know, that the numbers don't go up the day that they open the doors.

Commissioner Mosby: Well, I agree with you. I've talked to United. They have said that, yeah, you'll probably walk in a new jail and you'll be using half a kitchen.

Brad Ellsworth: Right.

Commissioner Mosby: And people will probably look around and say why all this wasted space, but that's for the other half that we are going to have to build sooner than later.

Brad Ellsworth: I think that's what the public has to trust us to say that we were thinking ahead on this, and that's why we built the kitchen this big, and the warehouse this big, and the laundry that big. I mean—

Commissioner Mosby: That's the one salvation—

Brad Ellsworth: —they pay us to go to those schools.

Commissioner Mosby: Yeah. I mean, that's the one salvation I see in this whole project that we probably won't get the 650 beds, but we'll get the support services, and the mechanical areas that go with it that will be big enough that when we have to add on we won't be building everything again.

President Fanello: I have to read you this little excerpt from an article in the Seattle Times. Because it will show that across the country they have the same discussions.

Commissioner Mourdock: Oh, yeah.

President Fanello: They are in Everett County, I guess, they are looking at building a, or Everett City. I don't know if it's Everett County or Everett City, but building a new jail, and it says;

"They report that adding floors to the current 11 story jail would be costly and affect Everett skyline.", Hite said. "If we have to build up, it will be too difficult and expensive to maintain.", the Sheriff said. Hite said it's too early to consider building designs, but studies show the new jail would need 1,845 beds to meet the county's needs for the next 20 years. County officials have not decided what to do with the current jail. Architects were given several scenarios to work with, including building an entire justice center for the Sheriff's office and the jail. Bart thinks the ideal facility would be a one to two story jail on a large tract that would include or be near the Sheriff's office. Voters would have to approve a tenth of a percent sales tax increase to finance a new jail, estimated to cost \$90 million. "Even if we started building tomorrow, it still wouldn't be up and running for another three years.", Hite said. For years the county has looked for sites to build a new permit jail, but has received cold receptions from cities that don't want a jail in their back yard. Two years ago residents in Arlington and Smoky Point fought against regional jails in their communities.

Commissioner Mourdock: We are not alone.

President Fanello: So, anyway, I have this letter. I think all of you have reviewed it. Would anybody like to join me in signing the letter?

Commissioner Mosby: I'll make a...do I need a motion to that effect? I mean, I'll--

President Fanello: I could read it into the record, if you want me to.

Commissioner Mosby: --make a motion to sign the letter, and send it to the Mayor, and for, the public's interest, I mean, basically, it says everything we've just said here tonight, you know, about vacating Ninth Street, and all the detriments to trying to build a facility that goes up. So, I mean, that's, basically, what the letter says. I'll make a motion to sign the letter, and send it over to the Mayor.

President Fanello: I'll second.

Madelyn Grayson: May I make a tape change when--

President Fanello: Yes.

Madelyn Grayson: Thank you.

**(Tape Changed)**

President Fanello: Just noting in here, I did make reference to the Downtown Master Plan that the Mayor had spoke of, and after review of the Downtown Master Plan there were, I did not see how this, closing Ninth Street would affect our project. So, it's all outlined in the letter, if anyone would like a copy. Is there any other Old Business? Seeing none. Move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: I was notified today by Bernardin Lochmueller's inspectors on the Burkhardt Road Project that they've encountered some field tiles that drain some of the agricultural fields out there adjacent to that project that no one knew were out there. In order to address that and connect those field tiles to inlets and manholes, we need about 400 meters of pipe. That's about \$28 a foot for the...\$28 a meter for the pipe, plus the rock. So, basically, they are saying we'll need \$15,000 to cover the costs of making these connections. I'm just-

Commissioner Mourdock: Is it on the east side, or west side?

John Stoll: Both. There's...this is north of Old Boonville Highway. There's the one field right at the northeast corner of Old Boonville Highway and Burkhardt, and then just north of County Trace Subdivision there is also another agricultural field.

Commissioner Mourdock: So, it's north of where the homes are then?

John Stoll: Right.

Commissioner Mourdock: So, it is an active system?

John Stoll: Yeah.

Commissioner Mourdock: Okay, so what do you need? Approval of a change order, John?

John Stoll: I don't have a change order this evening. I just want verbal approval to proceed with making these additional pipe runs out there, and then I'll bring a change order in at a later date.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. So ordered.

John Stoll: The second item I have is in regard to Rodenberg Avenue. We've done some checking, Valerie Harry checked with two of the three property owners out there abutting that structure. One of them said that they wouldn't have a problem with dedicating some right-of-way. One of the owners said that they wanted to see

our plan before they would commit to anything. Then we haven't heard from the other one. So, I guess, my next question is, do you want us to proceed with designing something to present to the property owners and see if they are willing to sign off on right-of-way? Without that, I guess, we don't know, we don't have anything to present to that property owner, to say here's what we plan to do. We could give him some approximations of how much right-of-way we would need, but without a specific set of plans, I don't know how much cooperation we will get.

Commissioner Mosby: I would, and I'll make a motion to the effect that we go ahead and start a design. I mean, it's obvious the situation out there is never going to get any better. As far as I'm concerned, I still think to this point that we probably still have some liability knowing that the county went out there and worked, at one given point in time, on that bridge. That if something would happen, and, I mean, there's a very dangerous situation, public safety wise, more than any out there right now. I'm afraid if something happens that we probably have incurred some liability by going out there at one point in time and working. So, I mean, if it means design, whatever, I mean, I would make a motion to go ahead and design something and get it out to them as quick as possible, and ask them to sign off on it, so we can drop a box culvert in there or whatever.

Commissioner Mourdock: Are you looking to do the design through a consultant?

John Stoll: No, we would do it in house.

Commissioner Mourdock: Oh, in house. Okay. Alright, I'll second.

President Fanello: So ordered.

John Stoll: That's all I have.

President Fanello: John, while you're up there, real quick. You sent us a letter on County Line Road, because we had, I believe, a resident during the road hearing ask about possible improvements to that road. You suggested a consultant be hired for the project. Do you have any idea what the cost would be of that consultant?

John Stoll: No, I don't.

President Fanello: Okay.

John Stoll: I haven't pursued that--

President Fanello: Okay.

John Stoll: --talking with any consultants, at this point.

President Fanello: I guess, has everyone else on the Commission had a chance to read the letter?

Commissioner Mosby: I read it.

Commissioner Mourdock: As I say, I don't think I saw that one previously, but I saw it here before we got started with the meeting.

President Fanello: Okay.

Commissioner Mourdock: Any idea what the project would end up being, John, both in consultant?

John Stoll: There again, it's kind of hard to say at this point. The way it all is set up out there, the right-of-way is only defined in three platted subdivisions, from what we can find so far. So, we don't even have any idea where the road lies relative to the dedicated right-of-way. Without knowing that, we really don't know what all would have to be reconstructed. The residents out there, basically, are saying they would just like the road widened to match what Posey County had done, which is, basically, about an 18' road. That, I'm not sure if that's exactly right. I've driven through Posey County to see what they did, but, I guess, I've got concerns in regard to the 18' width whether or not we could meet any kind of standards as far as cutting back embankments, and things like that. There again, what kind of right-of-way needs we would have if something like that was pursued. So, without knowing all the specifics, it was kind of hard to assign a dollar figure to it. I had a number in there if we just widened and overlaid and had no other costs associated with it. I thought I had a number around \$70,000, is that correct?

President Fanello: I don't remember seeing a number in there.

John Stoll: But that was just assuming—

President Fanello: Yeah, \$65,000.

John Stoll: \$65,000, okay. That was assuming a 4' addition, and asphalt, and then an overlay of the whole 18', but it addressed no right-of-way purchase, no cuts, fills, anything. We know there are two hills where there are sight distance issues that there would need to be some reconstruction for cuts and fills. So, without knowing how all that pieced together, it's really kind of hard to come up with an accurate figure.

Commissioner Mourdock: Would the \$65,000, that would be hard dollar construction costs?

John Stoll: That was just asphalt cost.

Commissioner Mourdock: Yeah, excluding, it sounds like excluding any earth work, cutting down the hills—

John Stoll: Right.

Commissioner Mourdock: —cutting down, tapering back.

John Stoll: That's saying if we went out there today, and cut a 4' trench along side the road, put asphalt in and then resurfaced the entire street, that's what that would cover.

Commissioner Mourdock: Okay. So, Catherine, what's your pleasure with this one? What do you want to do with this?

President Fanello: Well, I mean, if we, I guess, without knowing how much the consultant costs, is there anyway you can kind of feel out, and see what the price would be for a consultant?

John Stoll: I could talk to a couple of them and see, just ball park.

President Fanello: Okay.

John Stoll: I mean, we'll be looking at, it's just short of a mile of road. The bad part is, where it lies it would probably need to be shoulders and ditches and people have a tendency to go out and throw a pipe in all the ditches and screw up all the drainage.

President Fanello: I guess, what we really need to do is, I mean, is it a, we have several, I'm sure, small roads that need improved, and how do we go about prioritizing them, and is this one we want to go ahead and expend money on right now?

Commissioner Mourdock: I would suggest you would take a look at it, but then budget the whole thing for next year. I mean, as you mentioned a few minutes ago, Catherine, we don't know where the budget is going to be with a lot of this stuff.

President Fanello: Uh-huh. I mean, we definitely should do that right now while we're putting the budget together.

John Stoll: Okay.

President Fanello: Look and see about budgeting it for next year, if we don't have the funds to do it this year.

John Stoll: Okay. I can try and talk to a couple of different consultants and just see ball park—

President Fanello: Just get a ball park figure.

John Stoll: —what, and if they were going to meet INDOT's rehab standards what that might be. It's a very low volume road, and I doubt that the traffic counts will ever increase very significantly at all, because it just connects with Posey County Line to Denzer Road.

Commissioner Mourdock: Uh-huh. Okay. While you're at the microphone, John, that letter that you put together on the storm water issues, I don't know that I've seen you since you put that thing together that you sent off to IDEM, was a very good letter.

John Stoll: Thanks. Anything else?

President Fanello: I think that's it.

**Ralph Kissinger: County Highway**

President Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. Excuse me, you have my weekly report. Also, Richard asked about the milling credits for the rap. Did you get a copy of that?

Commissioner Mourdock: Yes, I did, and I saw that the thing did not include any kind of trucking price too.

Ralph Kissinger: Right. I sent some in that E&B had sent....E&B is actually going to do the trucking for Charbon Bridge when they do the milling.

Commissioner Mourdock: Right.

Ralph Kissinger: I thought I had them in your packets. Did you see, did you get that? I've got copies for everyone if it didn't come in your packets.

Commissioner Mourdock: I saw the one on the trucking, but I don't, no, I don't--

Ralph Kissinger: Okay.

Commissioner Mourdock: --think you did get it to me, Ralph.

Ralph Kissinger: I sent them in Friday morning. I didn't get the response until Thursday afternoon. So, it may not have gotten in there, but I do have some copies, and I have enough for everyone.

Commissioner Mourdock: What's it come out to?

Ralph Kissinger: \$5.15 a ton.

Commissioner Mourdock: Oh, that's the trucking, yeah.

Ralph Kissinger: That's the trucking.

Commissioner Mourdock: Yeah, I do have a copy of that.

Ralph Kissinger: (Inaudible. Stepped away from mike.)

Commissioner Mourdock: As far as the value for the rap, what did they work on?

Ralph Kissinger: That's, that's what they included. They said that that was...that they hauled it off, and deducted the actual hauling cost for the value of the rap. What Charbon said they are charging us for \$1.14 is to do the milling. Everything else is, there's no hauling cost or anything. Any tonnage cost which they...E&B said was, what was it, \$5.15 a ton?

Commissioner Mourdock: Right.

Ralph Kissinger: I believe is what they said.

Commissioner Mourdock: Okay.

Ralph Kissinger: They would just waive that, and they take the rap. That's, basically, what they do for that. For the hauling cost, they take the rap. I've talked to several different contractors, and that--

Commissioner Mourdock: Okay.

Ralph Kissinger: -- is what they say is the norm on that.

Commissioner Mourdock: Okay.

Ralph Kissinger: I'm new at this too, so, I've got questions too. With your permission, I would like to go ahead. They are wanting to schedule the milling of, excuse me, Red Bank to Upper Mount Vernon for next week, so that I can get your permission to go ahead with milling, so I can get my people in behind them to pave as soon as possible.

Commissioner Mourdock: Okay. So, at least by asking the question we got \$5.15 for sure.

Ralph Kissinger: Correct. Yes.

Commissioner Mourdock: Okay. Very good. Okay, then I'll move that we go ahead to begin the milling per the request of the Highway Superintendent.

Commissioner Mosby: Second.

President Fanello: So ordered.

Ralph Kissinger: That's all I have.

President Fanello: Any other questions?

Ralph Kissinger: Richard, I will get back with you. I'll check on that again, on the amount—

Commissioner Mourdock: Yeah, call him in the evenings or whatever. See if (Inaudible. Talking over each other.)

Ralph Kissinger: Yeah, I would be glad to.

Commissioner Mourdock: (Inaudible) persistent.

Ralph Kissinger: Sure.

President Fanello: Thanks, Ralph.

**County Attorney**

President Fanello: County Attorney.

Jay Ziemer: I have nothing.

**Superintendent of Buildings**

President Fanello: Superintendent. I don't think Tammy had anything. Okay.

**Steve Craig: Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. First thing I have was if you had got your estimate from the Dave Matthews group on the land out at Burdette for my budget purposes. If we wanted to have me put it in our budget to pursue buying the ground that is for sale that is adjacent to Burdette.

President Fanello: Has everyone seen the appraisal?

Commissioner Mourdock: Yes, I did.

President Fanello: It's...there's not a copy in there, but I had one on my desk, and I think, did we only get one copy?

Steve Craig: No, we got two.

President Fanello: Okay, because I just had one on my desk. I don't know if anyone else got one, but that was Friday afternoon when I was in, and I saw it. I don't know if anyone else has seen it.

Commissioner Mosby: I've got it laying in my office right now.

President Fanello: Okay.

Commissioner Mosby: If it's the same one. I'm not for pursuing it at that cost, no.

Commissioner Mourdock: I'm sorry, David, I couldn't hear you.

Commissioner Mosby: I said I'm not for pursuing it at that cost.

Steve Craig: Okay, so I won't put it in my budget.

President Fanello: Well, I mean, if we're not pursuing it at that cost, do we want to make them an offer at another cost?

Commissioner Mosby: Well, I mean—

Commissioner Mourdock: Before you—

Commissioner Mosby: Isn't this something that we would discuss—

Commissioner Mourdock: —mention a definitive number—

Commissioner Mosby: —yes, we need to be discussing this in Executive, not here.

President Fanello: So, I guess, we have to have an Executive Session next Monday anyway, I believe. So, we can discuss it then.

Commissioner Mourdock: Okay. Just for Steve's benefit, and you mentioned budget purposes, I guess, if we're not going to accept it at the present number, at least that number could be used for budget purposes. Although, now we've said for the public record—

President Fanello: Up to that amount. Yeah.

Commissioner Mourdock: –we're not going to pay that. So, it would be something less.

President Fanello: Okay.

Steve Craig: That answers my question.

Commissioner Mourdock: I thought it would.

Steve Craig: Okay, the other thing was that I wanted to bring up is that our Day Camp program had our state inspection at 8:00 on Friday, May 24, 2002. This was a new requirement this year if we wish to be approved by the State of Indiana. Mrs. Hillenbrand from the Evansville 4-C conducted the inspection, and informed us that we were the first site to pass the state inspection. Joyce said if you had any questions on what the state inspection included and that, that you could give her a call at Burdette about it. We were the first center to be approved with the new state guidelines.

Commissioner Mourdock: Which group through the state approved it.

Steve Craig: It says Evansville 4-C conducted the inspection.

Commissioner Mourdock: I mean on behalf of the state. Some state agency has approved this. Who is the state agency?

Steve Craig: It just said state inspection team, and it was the Evansville 4-C.

Commissioner Mourdock: The ever growing behemoth. That's okay.

Steve Craig: I can't give you an answer on that.

Commissioner Mourdock: Yeah, okay. A part of the \$1.3 billion deficit thing, so.

Steve Craig: It's still in existence.

President Fanello: That's important.

Commissioner Mourdock: That's true.

President Fanello: Is there any other questions for Steve?

Commissioner Mourdock: No.

<b>SWCD &amp; Ozone Officer Reports</b>
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Commissioner Mourdock: I'll move the approval of the Ozone Officer's Report and Soil and Water into the record.

President Fanello: Do I have a motion to approve.

Commissioner Mosby: Second.

President Fanello: Okay.

Commissioner Mourdock: Okay.

President Fanello: So ordered.

Commissioner Mosby: He made the motion.

President Fanello: I'm sorry.

<b>Consent Items</b>
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President Fanello: Consent Items. We do have one letter here that John Stoll has drafted on our behalf as comments to the upgrades to US 41. He did a very good job. Thank you, John. Would like to add that to the Consent Items.

Commissioner Mourdock: Yeah, I'll move approval of that letter to the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. The only thing that I would ask that we pull from the Consent Items is the Markham Security Specialists contract, because I don't know, I did not have discussion with Kevin before he left on vacation, and I'm really not sure that he reviewed it.

Commissioner Mourdock: Okay, and that is the one with, that Z. Tuley was concerned about transporting—

President Fanello: Yes.

Commissioner Mourdock: Yeah, okay. Alright. Okay, I'll move pulling the Markham Security letter from the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.<sup>1</sup>

Commissioner Mourdock: Other than that, I'll move approval, with those two changes, move approval of the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: I thought you was going to talk about the Master Plan. Never mind.

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<sup>1</sup>Consent Items listed on Page 40.

The meeting was adjourned at 6:59 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Highway	Superior Court	Public Defender
Knight Assessor	Treasurer	County Clerk
Sheriff Department	VCCC	Burdette Park
Prosecutor	Health Department	

**Travel Requests:**

Health Department	Treasurer	Perry Assessor
SWCD	Center Assessor	Pigeon Assessor
Veterans Services		

**Co-Op Extension Service:** Declaration of Surplus Equipment.

**Commissioners:** United Consultants Jail Project Update.

**County Engineer:** Letter to INDOT, RE: U.S. 41 Project.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Jay Ziemer	Suzanne Crouch	Patty White
Madelyn Grayson	Phil Lawrence	Scott Buedel
Ben Kunkel	Justin Shofstall	Allen Gries
Tim Van Cleave	Doug Knight	Harold Gourley
Brad Ellsworth	John Stoll	Ralph Kissinger
Steve Craig	Eric Williams	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
Special Space Allocation Meeting  
June 3, 2002**

The Vanderburgh County Board of Commissioners met in special session this 3<sup>rd</sup> day of June, 2002 at 4:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

President Fanello: Call to order space allocation meeting for County Commissioners, June 3, 2002. I guess you have before you, Richard, Patty worked on organizing all the results of the surveys, and Dave Rector was very helpful to go through and read all of the surveys we got back, so he's attending the meeting. I appreciate his hard work in helping us get this information together. I don't know if you've had time to read it or not. I've had time to skim it, but not read it in its entirety. So, if you have, do you have any questions, so far? Or anything that—

Commissioner Mourdock: That's where I've been too. I've skimmed it, and trying to get some sense of how it was put together here on the matrix, but, Dave, if you, did you assemble this?

Dave Rector: No, Patty pulled this together.

Commissioner Mourdock: Okay. Okay.

Dave Rector: She did a tremendous job of it.

Madelyn Grayson: Mr. Rector, can you come to the microphone please?

President Fanello: And—

Dave Rector: No, Patty had pulled it together, and did just a tremendous job of it, summarizing it, and we've just been talking about trying to determine what the observations are from this. I think once you get a chance to look at, you are going to see some things that kind of stand out.

Commissioner Mourdock: What do you think we're going to see that will stand out?

Dave Rector: Storage you'll see on there. Most departments need storage space. Conference facilities, a lot of them are wanting their own conference rooms. The way I was looking at it, too, was trying to determine what do we have for future growth needs? What do we have for immediate needs for expansion? Where do we expand and how? And can we, obviously, I haven't been here for a long time yet, but just looking around the building trying to identify do we have any opportunities to provide some areas of increased demands for these folks? I don't have that determination yet. Obviously, that's your decision.

President Fanello: We spoke, Mr. Rector and I spoke last week, and we were going over this information, and he is currently in the process, I think, of putting all of the records on CAD—

Dave Rector: Trying to.

President Fanello: —lay out.

Dave Rector: What we are hoping to do long term here is, I want to try to scan all the blue prints that we have onto a CAD system, so that then we can do some modeling,

and space allocation, and try to do some overlays and see when we need to move around? Can we? Will it fit, and how? It's going to take a little while to get that done, but I think it's going to help all of us to try to identify will spaces fit into other spaces.

Commissioner Mourdock: Okay. Not necessarily, or I'm making an assumption, am I correct, you're not looking to do that with CAD, necessarily, as an actual engineering, architectural design for modifications? But, just trying to see how space could be modified?

Dave Rector: Yes.

Commissioner Mourdock: Okay.

Dave Rector: Yes.

Commissioner Mourdock: Because there would be a lot of design work, I would think.

Dave Rector: No, this isn't design work. As I said, I guess, modeling is more the better term to use.

Commissioner Mourdock: I was looking for the...yeah, okay.

President Fanello: But I think we are going to have to have, obviously, his input and help as we try and figure out what our options are here. I think the main question, as I look over these surveys, I mean, the main question that we need to answer right now, besides what do we do with this space here in the Civic Center is, are we ready to go ahead and make a determination of what we are going to use the Old Courthouse facility for? And how that comes into play with analyzing these results.

Commissioner Mourdock: Uh-huh.

President Fanello: I, personally, I mean, I think it's time for us to make a decision of what we need to use the Old Courthouse for. It's pretty simple for me, and I don't have any problem saying it, I think it needs to be used as a government facility. I think we need to make strides, and if that's the case, and we all agree on that, then that needs to become part of this space allocation plan.

Commissioner Mourdock: Yeah, and, certainly, that use of the building is what I've said for some time as well. It's just a matter of who, when, and how much?

President Fanello: I think that's what we need to determine as we go through and analyze these results, is to work the Old Courthouse into these results, and see what offices we can possibly move over there. I see us, possibly, using that facility for some storage area, at least, at this point.

Commissioner Mourdock: Yeah. I would like to see it something more than storage myself.

President Fanello: Oh, exactly, but for an immediate—

Commissioner Mourdock: Are you looking to put the Old Courthouse on CAD too, Dave? Do you have anything to work on to do that?

Dave Rector: I certainly would support you in doing that. That doesn't fall underneath our jurisdiction, but I think if we are going to look at some of these modeling opportunities, we're going to have to have all the facilities available, to see where it might fit. I really don't want to elaborate right now, but--

Commissioner Mourdock: (Inaudible. Talking over each other.)

Dave Rector: --I think it may even, I know we don't think we have space in this building, but I think we may have if we take a look at some considerations.

President Fanello: To answer your question, should it be under their jurisdiction? I think we would need to get, you know, obviously, prices from them on what they would see it. Obviously, prices from them on what they would see as a budget for that facility.

Commissioner Mourdock: Between the two we might work out some reasonable rate.

Dave Rector: We haven't been (Inaudible). I haven't caught up with you yet. I have been able to catch a number of the office holders, and our goal is to provide a cost effective, efficient service to you all, and we're working on a means to do that. Hopefully, improving that for you.

Commissioner Mourdock: Yeah. I saw the letter that you sent through, so. It's something we need to look at.

President Fanello: So, I guess, what we need to determine, right now, is how we want to proceed in the next few weeks as we try to put together a long term plan.

Commissioner Mourdock: I guess, my, one of my first responses in looking at all of this is we seem to have a huge amount of data on an individual basis here from the courts.

President Fanello: Uh-huh. Uh-huh.

Commissioner Mourdock: Everything else we do, pretty well, by department or office. First question is, should we look, continue to look at the courts with as many separate divisions as they have supplied to us?

President Fanello: Well, I think, that probably might be a better question for them, because there may be reason, because you do have step...even though it is one facility over there, obviously, you have separate domains, I guess you could call them.

Commissioner Mourdock: (Inaudible), I guess you could call them.

President Fanello: Maybe.

Commissioner Mourdock: Yeah, I think, my point is, if we look at them individually--

President Fanello: Uh-huh.

Commissioner Mourdock: –I think you're going to see a lot more demand for space, because each one of them is going to try to get a little more, a little more.

President Fanello: Uh-huh.

Commissioner Mourdock: Where as when we look at every other department, I have a hunch, while they probably all want more space too, they're looking at a bigger picture than what these individuals are.

President Fanello: Uh-huh. I don't know if you received any letters from Judge Tornatta or Judge Niemeier, but they did not respond, because they felt like their responses were adequately contained in the bar association report that was given to us.

Commissioner Mourdock: I have not seen that from them.

President Fanello: Patty does have a copy of those letters. I mean, obviously, the courts is the biggest set of responses that we have.

Commissioner Mourdock: Okay. Right. So, Dave, as you work to put everything on CAD, are you going to...well, first of all, when do you think you will have the existing building, this building and the Courts building, on a CAD system?

Dave Rector: I hope to be able to get that done in the next several weeks.

Commissioner Mourdock: Okay.

Dave Rector: I think we can scan, the condition of the drawings, we do have the originals, I think we can scan those in, and, you know, the cost is going to be the key factor. I don't know how much it's going to cost me to get it all done, but I'm not going to do everything. I'm just going to do the basic floor plans, then try to get "as-builts" done. My hope is that within the next month. You bring up a good point, in looking at these departmentally versus as a whole too, you are going to see a lot of multiple requests that might be able–

Commissioner Mourdock: Right.

Dave Rector: –to be handled, if they were combined, versus everybody is looking at their own needs.

Commissioner Mourdock: Uh-huh.

Dave Rector: We might be able to meet those needs if, as a multiple.

Commissioner Mourdock: Uh-huh. Once you have everything on CAD, is it your plan then to use these data that we've just collected, and try to–

Dave Rector: To use this data that Catherine's gotten for us, and then, as I said earlier, who has immediate needs for additional space? Who has future needs for additional space?

Commissioner Mourdock: Uh-huh.

Dave Rector: Then whatever happens with the future growth of the jail, and how that's happening, what places may be vacated, and how that space may then better fit some of these departments versus the other departments.

Commissioner Mourdock: Uh-huh.

Dave Rector: It kind of grows, and like chewing wax, it expands.

Commissioner Mourdock: We'll take that one at face value. I've never heard that one.

Dave Rector: You don't remember doing that as a kid?

Commissioner Mourdock: No.

President Fanello: Even though, obviously, the Building Authority does not have jurisdiction over the Old Courthouse, if that continues, I mean, we would probably need those records placed on a CAD system. Would there be a cost you could bill back to us for doing that—

Dave Rector: Yeah, sure.

President Fanello: —for you, or something? Or for doing that for us?

Dave Rector: It would be a cost per sheet, so I'll know exactly what it—

President Fanello: Okay.

Dave Rector: Where are the drawings for the Old Courthouse? Do we know that?

President Fanello: Where are they? That I am not aware of.

Commissioner Mourdock: Tammy would probably have the best handle on what we have.

President Fanello: Uh-huh.

Dave Rector: Okay, well, I'll talk with her.

Commissioner Mourdock: It won't be anything in the kind of detail you have from 1969, certainly.

Dave Rector: I understand. Sure.

President Fanello: I think that would have to be a part of this process.

Commissioner Mourdock: Yeah, I still think—

Dave Rector: The other factor over there is, the condition of some of the areas—

President Fanello: Uh-huh.

Dave Rector: —and how can they be used for some functions, and not for others.

President Fanello: And, I don't know, we had a Task Force put together last year that reviewed the Old Courthouse, and made several suggestions. It might be helpful if you read that report.

Dave Rector: Okay.

President Fanello: Tammy does have a copy of that report.

Dave Rector: Does she?

Commissioner Mourdock: Uh-huh.

President Fanello: Yes. It identified some of the immediate needs, repairs that need to be made. I believe we need a full restoration of the facility, and that will require a significant amount of money at one time.

Dave Rector: Sure.

President Fanello: Which would probably have to be done through a bond issue, but I just think that if we are going to turn it into a true government facility, I don't know that we can patch work repairs here and there to make it work. So, I do believe a complete restoration is in order.

Dave Rector: (Inaudible) cost benefit ratio of-

President Fanello: Uh-huh.

Commissioner Mourdock: Well, I've said it many times, I think that's the only facility in Vanderburgh County people would willingly look to have their taxes increased for.

President Fanello: And I did, just while we're talking about the Old Courthouse, real quickly, before Kevin left on, well, a couple of weeks before Kevin left on vacation, he's checking out the logistics and the legalities of an Old Courthouse fund. So, he was going to report back to me. Report back to us on that.

Commissioner Mourdock: That's what the Council started toward at one point too.

President Fanello: Well, they had talked about it, yeah, but theirs, we're not sure who's responsibilities are what. So, he was going to check that out and see what their responsibilities are versus what our responsibilities are.

Commissioner Mourdock: Uh-huh.

President Fanello: Or what authorities they have versus what authorities we have.

Commissioner Mourdock: Uh-huh.

President Fanello: To set that fund up.

Commissioner Mourdock: Well, I'll say again too, I think the Old Courthouse ought to be the courts center. I mean, I think a lot of what's going on in the building behind us right now, ought to be over there. I know a lot of Judges don't like that because they don't see what the building could be, they have a lot of concerns about the

simpler things, like the acoustics and everything else, but courthouses across the state have been revitalized and redone and they are super facilities. That's what I see, ultimately, being the potential over here. It will cost money.

President Fanello: Well, I see more, used more for other government offices. Clearly, for what we've been talking about throughout this whole jail project, and that's if we move that court facility over there, you are, once again, moving it away from the jail facility.

Commissioner Mourdock: Yeah, I'm not suggesting that everything there would be able to move over, but I think there is a lot of stuff that could go there.

Dave Rector: And you all would have to decide do you do renovations by Secretary of Interior standards for historic preservation? Or do you do it by more of basic construction means today, but still have the appearance of historical restoration? There's a whole difference in that cost impact?

Commissioner Mourdock: Uh-huh.

President Fanello: Uh-huh.

Commissioner Mourdock: Is that place on the historical register? I presume it is.

President Fanello: I thought it was.

Commissioner Mourdock: I don't know.

Dave Rector: I did not think they'd registered that. (Inaudible. Talking over each other.)

President Fanello: I'm pretty sure, I thought I'd read in the Task Force report—

Dave Rector: Did you register it?

President Fanello: —that it was. I may be wrong.

Dave Rector: Just because it is on the....if it is on the register, that does not mean it has to be done by the Secretary of Interior standards.

President Fanello: Okay. When does that—

Dave Rector: I just looked into that on another project up in Terre Haute. I thought that it would have, but in looking, it did not have to be.

Commissioner Mourdock: So, even if it's on the register—

Dave Rector: It did not have to—

Commissioner Mourdock: —if you are going to continue to use it, but primarily maintain the decor that's there, you still have some leeway.

Dave Rector: Yes.

President Fanello: So, when did we set our next meeting? I know we set two dates.

Suzanne Crouch: June 24<sup>th</sup>.

President Fanello: June 24<sup>th</sup>? Do you think that will be enough time to?

Commissioner Mourdock: I think the key thing is with that—

Dave Rector: I don't know what our urgency is. I would have thought...you got a really good turn around on your response to this—

President Fanello: Uh-huh. Very good.

Dave Rector: The sensitivity around it, I would have thought you would have seen multiple people here tonight. Maybe it's not as urgent. Maybe it is. I'm going to let you guys give me that direction.

President Fanello: I think it's very urgent that we come up with a long term plan, because, obviously, there is budgeting issues associated with it. I think we're...this county is going to be facing a lot of budget constraints next year. A lot of different things are coming into play. So, I see an urgency from knowing where, how much we need to budget for renovations, if we need to—

Dave Rector: Okay.

President Fanello: —or if we need to make modifications somewhere. Then also there is several departments, obviously, that are climbing on top of each other. So, I definitely want to try and alleviate some of their problems as soon as possible. So, I mean, I do place it as a top priority.

Dave Rector: We can put cost estimates with it, once we identify the needs.

President Fanello: Okay. I would like to move as quickly as possible.

Dave Rector: Okay.

Commissioner Mourdock: If you have the CAD stuff done by the 24<sup>th</sup>, at least, you said a couple of weeks.

Dave Rector: I hope so. Yeah, I've got a call in to one of the firms. There is only a couple of firms in town, that I'm aware of doing it, that has the scanning capabilities to get it into a CAD system.

Commissioner Mourdock: Okay.

Dave Rector: I'm waiting on a quote back from each of them.

Commissioner Mourdock: Okay. Well, if it takes just a couple of weeks, today is the 3<sup>rd</sup>—

President Fanello: Uh-huh.

Commissioner Mourdock: —so that would give you three full weeks.

President Fanello: It gives you about three weeks.

Dave Rector: Then we can start playing with things after that.

President Fanello: Okay. So, does that give us enough time to go over—

Dave Rector: I just got a computer in my office, so, it's not even CAD capable yet.

President Fanello: Are there any other questions? Comments?

Commissioner Mourdock: Just anyone else here who would wish to talk to the issue, I guess.

President Fanello: Does anybody else have any comments in the audience?

Commissioner Mourdock: Seeing none. I will move that we adjourn.

President Fanello: Adjourned.

The meeting was adjourned at 4:45 p.m.

**Those in attendance:**

Catherine Fanello	Richard Mourdock	David W. Mosby*
Jay Ziemer	Suzanne Crouch	Patty White
Madelyn Grayson	Dave Rector	Others Unidentified
Members of Media		

\*Joined the meeting late.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
June 10, 2002**

The Vanderburgh County Board of Commissioners met in session this 10<sup>th</sup> day of June, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, June 10, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right; Superintendent of County Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes:  
June 3, 2002 Commission Minutes  
June 3, 2002 Space Allocation Minutes**

President Fanello: Do I have a motion to approve the Commission meetings from June 3<sup>rd</sup>?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered. Motion to approve Space Allocation meeting minutes from June 3<sup>rd</sup>?

Commissioner Mourdock: So moved.

President Fanello: And I'll second, because you were absent, or were you late? Oh, you could go ahead and second.

Commissioner Mosby: Second.

President Fanello: So ordered, and we did not have an Executive Session. So, there are no approval. Which brings me to the point that we do need an Executive Session for next Monday. So, we'll advertise that.

Commissioner Mourdock: When are we going to do that, for 5:00? Or 4:30?

President Fanello: 5:00. Is that okay?

Commissioner Mosby: That's fine.

Commissioner Mourdock: Okay, I'll move the advertisement of an Executive Session for next Monday, June 17<sup>th</sup> at 5:00 p.m.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Opening of RFP's for Storm Sewer Permit Application Development**

President Fanello: Bid openings. First one is opening of RFP's for Storm Sewer Permit Application Development.

Kevin Winternheimer: (Inaudible. Mike not on.)

Commissioner Mourdock: I'll move approval of opening of the bids.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Do you want to continue on, or (Inaudible).

Kevin Winternheimer: (Inaudible. Mike not on.) Were there to be prices submitted, or was it a statement of services?

President Fanello: John Stoll, where are you? Oh, there you are.

Kevin Winternheimer: Prices?

John Stoll: No, it was just for their qualifications.

Kevin Winternheimer: Okay, then I just need to read through the submitted proposals.

John Stoll: Right.

Kevin Winternheimer: The first one I opened was from Clark Dietz, Inc. of Evansville. The next set is from Commonwealth Engineers, Inc. I'm looking for an address.

Commissioner Mourdock: Somewhere in Kentucky, I'll bet.

President Fanello: What did he say?

Commissioner Mourdock: Commonwealth. I think they're from Lexington.

Kevin Winternheimer: Their address is Indianapolis, Indiana on the envelope. The next RFP, or proposal is from Bernardin Lochmueller and Associates, Inc. from Evansville. We have one more. The last one is from Woolpert, W-o-o-l-p-e-r-t, LLP of Indianapolis, Indiana. That's all we have on that one.

Commissioner Mosby: Motion to take bids, or qualifications under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Open Bids for VC02-06-01:  
Repair and Repaving of Old Henderson Road**

President Fanello: Next item is open bids for VC02-06-01, Repair and Repaving of Old Henderson Road.

Kevin Winternheimer: I assume we have no bids in the audience from anyone? I should have asked that before. Anyone have any bids for tonight? Seeing none. The first proposal is from E & B Paving, Inc. of Evansville. They have listed a total of \$143,596.15. The next bid is from J.H. Rudolph and Company, Inc. of Evansville. Their total is \$137,593.44. That is all of the bids we have.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Opening of Personnel Policy Review RFP's: VC-29-2002**

President Fanello: Next item is the opening of the Personnel Policy Review RFP's.

Kevin Winternheimer: Okay. I assume that there is not a price. I don't see one on there. Is there one? Oh, okay. Never mind. She found one here. The first one is from Baker and Daniels. They are from Indianapolis. Let's see, cost. It says Baker and Daniels proposes a flat fee to perform this project in the amount of \$1,200. It lists the services to be performed at that price. The next firm submitting a proposal is Waggoner Irwin Scheele and Associates, Inc. from Muncie, Indiana. Let's see if they've provided a price. Okay. They've itemized different fees based on who is reviewing it, and travel expenses, and they've got an estimated total to update the handbook of \$14,000. I have one more. Okay. The next one is submitted by The Grayson Group, Inc. from Evansville, Indiana.

Commissioner Mosby: Madelyn's firm.

Kevin Winternheimer: Yeah. Keep it in house, huh?

Commissioner Mourdock: Are you moonlighting on us?

Kevin Winternheimer: Let's see if I can find a price here in this information. They've outlined various services and prices, and I think their total appears to be \$10,400. That is all we have.

Commissioner Mourdock: I'll move to take those under advisement, and, go ahead and second.

Commissioner Mosby: Second.

Commissioner Mourdock: Okay, and just a question how we will go about doing that? Do we each want to review those, or what's your plan, or what's your desire

as far as trying to review those? Because, obviously, any one of those are pretty objective, as far as what we look at.

President Fanello: Uh-huh. I would like for each one of us to review, and come back with comments.

Commissioner Mourdock: Okay. Did they send in multiple copies with each of those.

President Fanello: Yes.

Commissioner Mourdock: Okay.

President Fanello: So ordered.

Commissioner Mourdock: We need to set a date. Do we want to do that in two weeks?

President Fanello: Uh-huh. Two weeks would be fine with me? Is that okay, Commissioner Mosby?

Commissioner Mosby: That's fine.

President Fanello: Okay. Alright.

<b>Betty Knight Smith: Leased Space</b>
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President Fanello: Next item is Betty Knight Smith.

Betty Knight-Smith: Thank you. That is a copy of what we've taken in for 19, or 2001, and for 2000 in the Recorder's Office. I'm talking about the space we have. We need the space that we now have rented out. It is the only county in Vanderburgh, in the State of Indiana that rents space to private companies. Right now we need that space from the work that we have coming in. I talked with the County Clerk, and her records, the marriage records that is over at Willard Library, this is a copy that she got to sell to customers for \$1.00. We could take...there's 271 books, we could line those walls over there, that right now that we are renting out and save that money. This money comes back into the County General Fund, and I would like to ask you to discontinue the renting of that space.

President Fanello: Does anyone have any questions?

Kevin Winterheimer: When is their lease up?

Commissioner Mourdock: I was going to ask you—

Betty Knight-Smith: August 1<sup>st</sup>.

President Fanello: August 1<sup>st</sup>?

Betty Knight-Smith: Uh-huh.

President Fanello: And all of them are up at the same time. Is that not correct?

Betty Knight-Smith: Uh-huh, right.

Commissioner Mourdock: Okay, is there a notice requirement? Do you know—

Betty Knight-Smith: I would think so.

Commissioner Mourdock: —what that is?

Betty Knight-Smith: I would think there would be, because when we came up here at the time, I think there, at least a 30 day notice.

Commissioner Mourdock: Yeah, I suspect it might even be more than that.

President Fanello: Uh-huh.

Commissioner Mourdock: So, I'm not adverse at all to what you're suggesting we do. I just want to make sure we do it well. I know when we had this discussion come up with Betty Hermann some time ago, it was our desire to get everybody on the same cycle. Which I think we are on now.

President Fanello: Uh-huh.

Commissioner Mourdock: But if Kevin hasn't reviewed the leases, I would say that is our first step is to see if, in fact, there is a notice requirement that would otherwise preclude us from doing something, or, at least, find out what that would affect.

Kevin Winternheimer: Right, yeah, if I could have an opportunity to check that, and report back to you next week.

President Fanello: That's fine.

Commissioner Mourdock: Alright. Okay.

President Fanello: And so is the consensus here if there is, if we have an adequate notice requirement in there, is the consensus here to discontinue the leases?

Commissioner Mourdock: That would be my feeling.

President Fanello: Okay.

Commissioner Mosby: That's my thought. I mean, if she needs the space, we ain't got nowhere else to go, so.

President Fanello: That's right. Okay.

Betty Knight-Smith: I think we would have enough space for those marriage books, if you care to bring them back over.

President Fanello: Alright. Well, we'll have an answer for you next Monday then.

Betty Knight-Smith: Thank you.

President Fanello: Thanks, Betty.

Commissioner Mourdock: The marriage books are where now, Betty?

Commissioner Mosby: Willard.

Betty Knight-Smith: They are at Willard Library.

Commissioner Mourdock: Okay.

Betty Knight-Smith: And, these are the copies that they are putting out.

Commissioner Mourdock: Right, yeah, okay.

Madelyn Grayson: Betty, do you have an extra copy of that information for the record? I'll use Commissioner Mourdock's.

Betty Knight-Smith: We took in over, well, there's \$201,771.25 more than they did the year before. Right now for up to today, or, no, June the 7<sup>th</sup>, we took in \$419,147. So, a lot of building, a lot of money. A lot of loans. Thank you.

President Fanello: Thank you, Betty.

Commissioner Mosby: Thank you.

Commissioner Mourdock: That's the price we pay for having a good economy in Evansville.

**Peggy Braun: Department of Metropolitan Development  
Letter of Position on Ninth Street and Jail Project**

President Fanello: Next item is Peggy Braun from the Department of Metropolitan Development.

Peggy Braun: Good evening, Commissioners. As you guys know, my name is Peggy Braun, and I'm with the Department of Metropolitan Development. I'm here this evening on behalf of the Evansville Redevelopment Commission. Each of you should have received a letter signed by each of the Commissioners stating their position and their desires to you with regard to closing Ninth Street. I know that each one of you have read that, and I'm not going to waste your time by reading it to you again. I just want to leave you an opportunity to ask you if there is any questions you might have of me? There is some significant points, I think, we need to make. One thing that the Redevelopment Commission did do, is they adopted the Master Plan, and integrated that into their Redevelopment Plan. I believe that is something that we need to consider. I'm sure that each one of you have probably seen the Evansville Master Plan, or the Downtown Master Plan for Evansville. You know that there is several phases to that plan. Each plan, if we close Ninth Street, that would inhibit what we would want to accomplish with that particular plan, which is to open up the downtown to North Main Street, and to connect the cultural and the business district to the entertainment districts.

President Fanello: Does anyone have any questions right now?

Commissioner Mosby: Have you seen the proposed site plans by Bernardin Lochmueller?

Peggy Braun: Personally, myself?

Commissioner Mosby: Yes.

Peggy Braun: No, sir.

Commissioner Mosby: Okay. I guess, because my question would be your proposal of Ninth Street, and I'm not sure how you are going to connect that to whatever you are referring to.

Peggy Braun: Well, eventually, they want, the first stage would be to make Sycamore Street no longer a one way street, but a two way street, and to run it around the Civic Center with a little bit of a town effect, a town center effect.

Commissioner Mosby: Okay.

Peggy Braun: We would have to capitalize and utilize Ninth Street in order to be able to do that.

Commissioner Mosby: Okay, because in the site plan, all it does is take it a little bit further back, and come right around and into Sycamore. I mean, it's the same effect—

Peggy Braun: Uh-huh.

Commissioner Mosby: —no difference, and that's why, I guess, I would wonder if, you know, what the feelings would be from, I guess, Michael, if that's who you are representing tonight.

Peggy Braun: Well, actually, I'm representing—

Commissioner Mosby: The board.

Peggy Braun: —the Redevelopment Commission.

Commissioner Mosby: Okay.

Peggy Braun: The four Commissioners.

Commissioner Mosby: And, I guess, did the board, did they look at this before they decided to make a decision here, and their feelings toward Ninth Street?

Peggy Braun: Okay, that would be an assumption on my part. I would assume that you are asking me if they've looked at your plans?

Commissioner Mosby: Yes.

Peggy Braun: Your architectural drawings? I can't speak for that, no. I do know that they have the Master Plan in hand. As I've told you, they've adopted that and implemented it into their Redevelopment Plans. So, as far as I can, 100% say, that they are on board with the Master Plan for Downtown Evansville.

Commissioner Mosby: I realize they did a Master Plan, and to my knowledge, and I would let anybody else speak up that wanted to say something, I don't believe

when they did the Master Plan a lot of consideration was taken in that we were thinking about that. I guess, that's one thing that I would be wondering, you know, what consideration did this company or did the city itself, DMD, the Mayor, I mean, it's not unknown knowledge that we need to build a jail. It's not an unknown fact that we were looking at this back here when they were doing the Master Plan, but to my recollection, and I stand to be corrected at any point in time, I don't think it was taken into consideration by the Mayor or the people that did this Master Plan, that we were intending or thinking with the intent of building back here. That would be something else that, I guess, I would ask the company that represents you and your Master Plan.

Peggy Braun: Well, I know that the initial stage of putting together that Master Plan, there was a steering committee that consisted of numerous people from government to businesses that would be affected by downtown. You know, Catherine, correct me, I think it was probably 20 people that sat on that steering committee.

President Fanello: Uh-huh, and that's why repeatedly towards the consultants and the Mayor, I asked for consideration, because it could possibly happen. We didn't have a vote at that time from these three Commissioners about where we were looking for a site, but we had definitely discussed about proximity to the Civic Center. So, repeatedly I spoke up and said you need to consider that as part of the Master Plan, and it was, basically, like, I kind of got the feeling that the decision was already made, and they didn't really want to consider that.

Peggy Braun: Well, I can certainly understand your desire and your need to express your frustration. Again, I'm here on behalf of that Commission.

Commissioner Mosby: I guess, it's not frustration as much as, you know, you are talking about implementing a Master Plan that is going to cost this community and every taxpayer a lot of money. I'm talking about trying to position a jail that will save me some \$500,000 plus in transportation costs that's going to cost every citizen in this community. So, I mean, there is a big difference there. You are wanting to spend money, I'm trying to save money. You know, we have to look at the proximity of this Civic Center. We have to look at that lot sitting right there—

Peggy Braun: Uh-huh.

Commissioner Mosby: —and figure that the taxpayer has already paid for it. They own it. It's their ground, and we should be able to build on it. That's my thought. I wish that would have been taken into consideration in the Master Plan, and something that would have been said, or written, you know, that we acknowledge this. At least, we thought about it, and given me a good reason why they would want to spend that much money on that little street as opposed to just taking it around the back of the building, if that's where we do put it. I mean, what could you drive, another half a block? I'm sure that's not, you know, going to be a big concern to anybody that would use that street back there. I guess, that's my position, that I'm looking at what it's going to cost this community. I mean, if we're under a cap of \$35 million, if we have to go out and spend \$4 million or \$5 million for land, we're probably going to end up going from 484 beds to 400, and it won't even be worth building. Why build something that was good for six years ago, or ten year ago. That's the position we're in. I don't think that's the position that, you know, I see anybody taking. I see the City Clerk in the paper this week worried about collecting \$20,000 from the taxpayers for parking. When I'm trying to save \$500,000. You know, I just don't get where everybody is coming from here. Everybody wants to

beat up on a project that is not popular with the community. Do I want to build a jail? Do I want to spend \$35 million? It's not at the top of my list. Is it something that we have to do through lawsuits, through everything else that this county faces? I mean, not just me, you and everybody else. I mean, it's not the most popular project, but, you know, everybody wants to jump on the band wagon and beat up on it, maybe somebody ought to get in line, maybe DMD, the Mayor, you know, the City Council, the City Clerk and say, how can we help? I mean, these, we represent these people too.

Peggy Braun: Uh-huh.

Commissioner Mosby: Maybe that's what I'm looking for rather than everybody coming up here voicing their opinion.

Peggy Braun: Well, again, David, I'm here on behalf of that—

Commissioner Mosby: I understand, and I—

President Fanello: And I was—

Commissioner Mosby: —and you don't have to relay this. They can have a copy of the minutes—

Peggy Braun: Absolutely.

Commissioner Mosby: —and you can take it back to them, but, I mean, it's frustration that comes out. Nobody wants to jump on the band wagon to help, but when they see it's an unpopular, I guess, it's popular with maybe the citizens that we don't build it, and don't spend \$35 million, and everybody wants to jump on that band wagon. Why don't everybody jump on the band wagon of doing it in the most, least expensive way, but the most effective way. I mean, the Sheriff needs to be close to the courts. We need the jail close to the courts. We need to be hooked in with that system, so that we don't spend \$500,000, you know, the first year, and you take the cost of living and 3% increases from there, and figure it out over a 20 year period.

President Fanello: I did have a couple of questions that maybe you can relay back to the Redevelopment Commission.

Peggy Braun: Certainly.

President Fanello: Or I was hoping that maybe the Mayor might be here this evening. They talk about in the third paragraph of the letter connecting Main Street, I believe it's in the third paragraph.

Peggy Braun: Correct.

President Fanello: Or it's the second paragraph, I'm sorry. Basically, when I read the Master Plan, and I read it about three or four times last week, over and over. The main interference is the fact, if you are going to connect Main Street, is cutting the Civic Center in half. I'm not sure if that's still a vision that the Mayor has, or what his plans are for this Civic Center. What his plans are for providing government offices somewhere else, but that seems to me to be the option that is affected. It seems to me that what you were talking about earlier, the Sycamore Street, making that a two way, and then in conjunction with our proposed, alternative traffic flows

from our consultant, Bernardin and Lochmueller, that traffic would not be interrupted if we vacated a portion of Ninth Street. Obviously, the only part of the Master Plan it would affect is if we cut the Civic Center in half and connect Main Street. So, I didn't know if that was a reality? I'm not sure that that's a real popular option with the public.

Peggy Braun: According to my observations of the plan, that would not be in the initial phases. That would be a step that would occur somewhere off in the far future.

President Fanello: So, I mean, it is still a consideration?

Peggy Braun: In the plan there, from my interpretations, there are accommodations for civic and government buildings and offices in that plan, if they choose to continue to bring North Main Street all the way and connect it to Main Street. That's my interpretation, personal.

President Fanello: I just don't know how popular that is of cutting the Civic Center in half, and reducing government, or government center. I'm not sure, I mean, the thought of making a government center, a town square, to me, is kind of different, because I don't know that I've noticed that in other cities that I've seen. Usually, it's another kind of either an historic monument, or an historic building that is kind of made the town square the facility. It's very unusual for, just in my experience, to see a government structure to be made the town square. So, I find that kind of unusual. Maybe, what I don't think, like you said, I don't think that they have reviewed the site survey or the alternative traffic plans that were discussed. There are definitely options on the table for alternative traffic flow. So, I'm hoping that they will take the opportunity to maybe come down and pick up a sit survey, and take a look at those before making any final comments.

Peggy Braun: I didn't say they didn't review it.

President Fanello: Yeah, I don't think they have, because—

Peggy Braun: To my knowledge—

President Fanello: —we've only got five copies, and I think I know where all five copies are.

Peggy Braun: —I couldn't speak on their behalf if they have reviewed it or not.

President Fanello: Okay.

Peggy Braun: Okay. Would those questions then, Catherine, that you want posed, would you be able, would somebody be able to provide those to me tomorrow?

President Fanello: Tammy could probably type those up for us. She says sure.

Peggy Braun: Is there anything else?

Commissioner Mourdock: Yeah, my only comments, Peggy, first of all I hope you, the Metropolitan Development and any other citizen always feel like your opinions can be brought to that microphone and stated, even when people on this side, even if it's unanimous—

President Fanello: Uh-huh.

Commissioner Mourdock: –or if just one of us disagree, I hope you always feel free to bring your opinion there.

Peggy Braun: Well, and I certainly do. I need to reiterate that I'm here in my professional capacity.

Commissioner Mourdock: I understand.

Peggy Braun: Not a personal capacity.

Commissioner Mourdock: Well, you're free in either capacity.

Peggy Braun: Right.

Commissioner Mourdock: Secondly, I just wanted to add that, you know, when I was in English class many, many, many years ago, I always learned the first paragraph, and even the first letter of a sentence is the most, or first sentence of a letter is the most important.

Peggy Braun: Yes.

Commissioner Mourdock: There is a lot in that first sentence that says, the latter half says;

we are opposed to the construction of a jail facility in the western portion of the Civic Center parking lot, and the proposed closing of Ninth Street.

There is two things there. Is Metro Development speaking more loudly on one of the two than the other? Or is it something you are saying equally?

Peggy Braun: I believe, it's my understanding that it would be equal.

Commissioner Mourdock: Okay.

President Fanello: So, are, I guess, I'm, you're getting at, Richard, or, Commissioner Mourdock, that they don't feel a facility should be near the Civic Center at all? Is that?

Commissioner Mourdock: Well, that's, I didn't write–

President Fanello: What we're kind of getting from–

Commissioner Mourdock: –the letter.

President Fanello: Uh-huh.

Commissioner Mourdock: I'm just reading it. To me, that's the only way you can read that. I think most of our discussion here, probably about 60% of it in the last few minutes has been about Ninth Street, and the road plan.

President Fanello: Uh-huh.

Commissioner Mourdock: I just want to make the point that they are also saying about not putting it there. It isn't just the road situation, or the street situation. They are also saying they are opposed to the parking lot.

Peggy Braun: That's my understanding, yes.

President Fanello: Okay.

Commissioner Mosby: That's what I was referring to about buying property.

Commissioner Mourdock: I'm sorry, what, David?

Commissioner Mosby: That's why I was referring to buying property.

Commissioner Mourdock: Oh. Yeah.

Commissioner Mosby: The way I read it, they are just totally against it period.

President Fanello: Just making sure everything is clarified.

Commissioner Mourdock: Yeah.

President Fanello: Is there any more questions for Peggy?

Commissioner Mosby: Thank you for coming.

Peggy Braun: Well, you're welcome.

President Fanello: Thank you.

Commissioner Mosby: You're the messenger. We're not going to shoot the messenger.

Commissioner Mourdock: On the first trip.

President Fanello: Yeah, on the--

Peggy Braun: Oh, boy, I've got something to look forward to.

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

**(Tape Changed)**

<p><b>Second/Final Reading of Vacation of Easement: 110 Evergreen Road</b></p>
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President Fanello: Next item, Morley and Associates, second and final reading of vacation of easement, 110 Evergreen Road. Is there anyone in the audience to speak to this vacation?

Commissioner Mourdock: Seeing none. Since this has been discussed in the past, I would move on second and final reading the vacation of the easement as requested by Brian and Krista Housman for 110 Evergreen Road.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: We need a roll call. That's an ordinance.

President Fanello: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

**Tammy McKinney: Permission to Advertise Auction of Surplus Vehicles**

President Fanello: Next item is Tammy McKinney, permission to advertise auction of surplus vehicles.

Tammy McKinney: I was contacted the other day by Wolfe's Auto Auction, and they are getting ready to auction some of the city's vehicles and asked me if I want to go ahead and auction off five or six county vehicles. I think they are from the garage. So, I just ask permission to advertise, so we can go ahead and sell those.

Commissioner Mosby: I'll make a motion to give Tammy permission to advertise the auction of the surplus vehicles.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Any Group or Individual Wishing to Address the Board**

President Fanello: Is there anyone else in the audience wishing to speak at this time? And I'm going to go ahead and bring Mt. Pleasant up under the County Engineer's report, which is....hold on just a second, we'll go ahead and do Mt. Pleasant with the County Engineer. Is there anyone else in the audience wishing to speak at this time? Seeing none.

**New Business**

President Fanello: Is there any New Business to be brought before the board from either Commissioner?

**Old Business**

President Fanello: Old Business, we have the O'Day Discovery Lodge contract.

Commissioner Mourdock: I presume, Kevin, you have looked over this document?

Kevin Winternheimer: Yes, I've reviewed it, yes.

Commissioner Mourdock: And made modifications as necessary on behalf of the county?

Kevin Winternheimer: Right. If you saw an earlier draft of it, I don't know whether you did, but in this draft it allows for a, you'll see the term construction manager, and it's my understanding that you are going to seek proposals for construction inspection, you might call them, it might be more of a layman's term. If you read the contract, that's the construction manager, you might read as construction inspection, which, at this point, could be anybody, and the contract still reflects that. When you choose who your inspector is going to be, which firm, then we'll notify the contractor who that is. That's how the contract is geared. I've reviewed it, and I don't have any problem with it. It's fine.

Commissioner Mourdock: Are we obligated to provide a construction inspector?

Kevin Winternheimer: You will need to have inspection work done. Who you get is still up in the air, but, I mean, you know, a project this large someone will have to do it, whether it's the architect itself or a third party—

Commissioner Mourdock: That's where I was going.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: If we chose to do that under the terms of the contract that we have with the architect, does this contract otherwise allow us to do it?

Kevin Winternheimer: Yes.

Commissioner Mourdock: Okay.

Kevin Winternheimer: You would just designate that firm as who the construction manager is.

Commissioner Mourdock: Okay.

Commissioner Mosby: Commissioner, I think, in talking to Morley, I asked them under the terms of the contract that we have right now, they probably are only going to do three or four inspections. I'm looking for somebody that is going to protect the county's interest and be out there all the time. With what we've got—

Madelyn Grayson: David, I don't think your microphone is on.

Commissioner Mosby: —in the contract. Yeah. With what we've got right now, though, they said periodic is what's in their contract, and that's just three or four inspections.

President Fanello: And that was at a price of?

Commissioner Mourdock: It was included in that price.

Commissioner Mosby: That's included, that's outside—

President Fanello: Okay.

Commissioner Mourdock: Right.

Commissioner Mosby: —of what we're talking about doing an RFP.

Commissioner Mourdock: That's, again, that's where I was going, because last week when we had that discussion, they made it clear that was, that those inspections were included in the price that they had already provided. What you're saying is rather than the periodic, you want somebody there all the time.

Commissioner Mosby: If you want a weekly inspection, or even semi-weekly, you're going to have to do an RFP.

President Fanello: I thought there was some additional costs that Morley was proposing. Am I missing something? I thought there was—

Commissioner Mourdock: You may be right. I don't recall that as a point we discussed from last week.

President Fanello: I thought there was an additional—

Commissioner Mosby: Brian's here. Okay, I know what you're referring, yeah, there was an additional addendum if we wanted them to do the inspection.

Ben Kunkel: Hi, I'm Ben Kunkel with Morley and Associates. The additional cost that we submitted a proposal to you for was, I believe, for \$44,000—

President Fanello: Okay.

Ben Kunkel: —to provide daily site inspections.

President Fanello: Daily site inspection, okay.

Commissioner Mourdock: Okay.

Commissioner Mosby: Am I correct that you, under your periodic, what you stated in your original contract is like three or four times?

Ben Kunkel: It will vary. Yeah, but it will probably be more than that. It will...enough to, basically, process the pay request by the contractor.

Commissioner Mosby: Okay.

President Fanello: Okay. So, are you proposing then that we send this RFP?

Commissioner Mosby: It's my proposal that we do the Notice for Request for Proposals on the inspection services, so that we have somebody out there that

would be doing daily inspections, that would be protecting our interest. I mean, I think it's the same thing that they are proposing.

Commissioner Mourdock: Yeah, it is the same thing. That just quoted his price on the record now.

Commissioner Mosby: Well, that's why I didn't really want him to come up to the mike, but--

President Fanello: Well, he had already stated it last week--

Commissioner Mourdock: Right.

President Fanello: --because I knew I'd heard that--

Ben Kunkel: Yes.

President Fanello: --figure, so, you'd already stated it on the record last week.

Commissioner Mourdock: Yeah. Well, for the matter at hand, as far as this specific agreement, I would move approval of this agreement with Arc for the construction of the building.

Commissioner Mosby: I'll second that.

President Fanello: And I'll say so ordered.

Commissioner Mourdock: As far as, I guess, we'll have future discussion if we wish to look towards an RFP for someone to do the construction inspection since that is a separate issue.

President Fanello: We might as well go ahead and decide if we are going to send the RFP out tonight, because we'll go ahead...don't we need to keep moving?

Ben Kunkel: Yes. Yes, exactly. We need to decide when we want to go with a Notice of Award, and Notice to Proceed.

President Fanello: I mean, sending out an RFP doesn't really obligate us to anything. We can--

Commissioner Mourdock: Fair enough. Yeah.

Commissioner Mosby: I would make a motion that we go ahead and send the RFP out for construction inspection services for O'Day Discovery Lodge, and give everybody a week to, I guess, is a week enough?

Commissioner Mourdock: Yeah, sure. This isn't that big a project. A week they could easily do.

Commissioner Mosby: Yeah, give everybody a week to answer, and so we'll keep the project moving in a timely fashion.

President Fanello: Okay.

Commissioner Mourdock: Was that a formal motion?

Commissioner Mosby: Yes. I said I would make a motion.

Commissioner Mourdock: Okay. I will second the motion, but I'll also say I'm going to look very carefully at those, because I'm not convinced, at this point, that we need something separate, but I'll go ahead and second the motion. I think you're right, Catherine, we can get it in and see if it's worth it.

President Fanello: See if it's worthwhile, and we're not obligated by taking RFP. So, we'll go ahead and change the date on there. Instead of having them back on July 1<sup>st</sup>, we'll have them back next Monday, which is June 17<sup>th</sup>.

Madelyn Grayson: So, that's not going to require advertising? You are just going to send them out, correct?

Kevin Winternheimer: Right.

Madelyn Grayson: Okay, great.

President Fanello: Alright. Are there any other questions?

Commissioner Mosby: I don't have any.

Ben Kunkel: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Alright, thanks. Is there any other Old Business that either Commissioner would like to bring before the board? Or anyone else? If not, we'll move on to Department Head Reports.

**John Stoll: County Engineer**

President Fanello: County Engineer.

John Stoll: Did you just want to do Mt. Pleasant first?

President Fanello: We'll go ahead and do Mt. Pleasant first, and then you can—

John Stoll: Okay.

President Fanello: —and I think last week we spoke about you, possibly, getting with some of the residents regarding the letter that you had written the three of us.

John Stoll: Yeah, and I handed Harold Gourley several of those last week—

President Fanello: Okay.

John Stoll: —when he was up here speaking.

President Fanello: Okay.

John Stoll: I know some of the other residents have it as well.

President Fanello: Okay. Is there any of the residents that are here who would like to speak to their discussions with John Stoll? Okay.

Larry Kremer: I almost feel like a regular here. Ken Matthews and I met with John, I guess it was two or three weeks ago to review the project, and he was most helpful in reviewing the project and explaining to us the details of the project. I was a little disappointed to find this article in the paper. I've been called a lot of things, but not a NIMBY. I don't know what a NIMBY is. It's Not In My Back Yard.

President Fanello: We get disappointed at articles in the newspaper also.

Larry Kremer: I have been down here to speak to the issue of this project, and the fact that I, from my perspective, I didn't feel it was warranted. I was concerned about the affect on my personal property, and that of the neighbors. I only want to make one point in Mr. Stoll's letter. It's not just a few residents that are upset by this project. It's almost all the residents that live on that particular roadway are upset with the project, because, frankly, at least I was never involved in any discussion, with any governmental agency as to the project, it's concept, it's intended goals, etcetera. So, I guess, us being down here is a result of that.

President Fanello: Uh-huh.

Larry Kremer: We were also given this document. I trust you've all seen it. It's the traffic projection computer modeling, that I understand is the basis of this construction that we now have before us. It's a computer model, and as we all know, a computer model is only as good as the assumptions you make to go into it. What that shows, and I'm sure you've seen it, that in the four areas where left turn is really the issue, Deerfield has a left turn radius in the year 2025. That's what this projection is for, 2025. 59 turns at the peak hour. Clear Creek has 34. North Deerfield, or Northfield Drive has 32, and Copperfield has 11, and both of those serve one subdivision, which has 88 lots in that subdivision. Deerfield, which is almost completely built out, has 125 lots in that subdivision, and strangely enough, the left turn radius, or the left turn indication is the highest of the turns that are shown here, as compared to Clear Creek, which has two exits and entrances off of Deerfield, or Mt. Pleasant that only show 34. So, I'm concerned that we're using a computer model on one sheet of paper to spend \$2 million of this county's money on a project, and, again, from our vantage point doesn't make a lot of sense. Deerfield is almost completely built out, as you all know. Copperfield is almost completely built out, and Clear Creek is the only one under construction today. You know, my issue is still the same. It's \$2 million of taxpayer's money to build a three lane road on a 4,300' span of roadway that Ms. Zigenfus says is critical to the Master Plan. I hope you all have more critical Master Plan issues than Mt. Pleasant and it's 4,300'. Now, I'm not sure whether Mt. Pleasant is going to be continued over to Darmstadt as an east-west (Inaudible), I don't think you ever advised us whether that was, in fact, going to happen, but this 4,300' of road that starts at 41 and ends at Old State. It doesn't go any further than just that. So, our strong opinion remains that this project doesn't need to go forward. I would suggest, Commissioner Mosby, if we are going to save money, this is one way to do it. Thank you.

Kevin Winternheimer: Do you want to state your name please?

Larry Kremer: Larry Kremer, I'm sorry.

President Fanello: Thank you, Mr. Kremer. We did discuss...I don't think you, I can't remember if you were here last Monday or not, but we did talk about possibly trying to improve the communication process so that people are aware of projects before—

John Stoll: In regard to the one question about the long term plan for Mt. Pleasant, in the EUTS plan it does extend Mt. Pleasant improvements over to Darmstadt, but there are no current design drawings or any funding in the works for that, at this point.

President Fanello: Since we're speaking of EUTS right now, before Mr. Gourley approaches the microphone, I do have a letter, and I believe each Commissioner got copied in on it. That was provided by the Evansville Urban Transportation Study Board at their last meeting this past Thursday. I don't know if I need to read that into the record or not. Would that be helpful?

Commissioner Mourdock: I'll move the letter be entered into the record.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: But it does, I'll read a couple, just a couple of short sentences from it, just to kind of get an idea of where the letter is coming from.

The EUTS 2015 Transportation Plan, adopted in 1994, identified Mt. Pleasant Road between US 41 and Darmstadt as a recommended transportation improvement project that would have significant benefits to Vanderburgh County. The 2020 and 2025 Transportation Plans, adopted in 1997 and 2000 respectively, further emphasize the need to widen Mt. Pleasant Road to accommodate both the existing and future traffic volumes along the corridor. As currently designed the Mt. Pleasant Road Project addresses the capacity needs along the corridor as identified in the Transportation Plans and the Northern Vanderburgh County Sub-Area Study.

Of course, they give some of the same information we've seen in the past, but this project was endorsed by that board at their prior meeting. Did you want to approach, Mr. Gourley? You can go ahead.

Harold Gourley: I'm too small to get out of line, or not take my turn. President Fanello, and Commissioners Mourdock and Mosby, I want to take this opportunity to thank Mr. Stoll for providing the information for us to evaluate this past week, and for the Commissioners providing that window for us to do that. By the way, have you had the, Ms. Fanello and Mr. Mosby, have you had the opportunity to visit the site we are going to be discussing this afternoon?

President Fanello: I have driven it.

Commissioner Mosby: Yes.

Harold Gourley: Very good. Good, I'm glad to hear that. First of all, I would like to reiterate that in my first presentation before this Commission that we, the people in that community, felt like that the widening and improvement of Mt. Pleasant Road from Highway 41 to Mt. to Old State Road was in order. In fact, it was overdue. As

we read the newspaper article in 1999, when it first came out in headlines, \$1 million for project, whatever, we assumed and thought it would be, maybe widening each lane by 2' on each side providing shoulders, and, of course, the curbs and gutters, and that was what we were looking forward to. Now here we are, what three years later we've appropriated over \$2 million, and we're not sure that we need that kind of road from 41 to Old State Road, at this time, because the numbers that we have seen are estimated numbers, or they are hypothetical numbers. Which means if there is a housing division that goes in here, or a subdivision that goes in here, then the numbers will be this. The others are like, as Mr. Kremer indicated, for 2025, and that's really a long time, and I'm trying to check out every positive and negative thing that I could about this. For example, on the safety of the site, I would hate to think that I would be against something that a driver could not see at that intersection. One of our busses would be hit, or something like that, but if everyone comes to a full stop, everyone is visible. It's the driver, not the site. Also, I was able to get some statistics showing that this intersection is not any more dangerous than say Hogue Road and Red Bank Road to Boehne Camp Road, Red Bank Road, Mt. Vernon, New Harmony, Darmstadt, all those would be, I would say, in the same category as what we are talking about here. Now, I think most of the neighbors as we've talked and the interviews that I've had with them is that right-of-way varies from like 16 ½', 18 ½', this and that. So, then we're going all at once from 16 or 18 ½', 19 to 39', almost doubling the amount of feet we need, right-of-way feet for this, I won't call it a super highway, but a road from Mt. Pleasant to Old State Road. So, what we're really asking here is that we're really looking into a crystal ball like, and everybody likes to have missions, everyone like to have vision, long range planning and all those. For example, in 1994 I was a member of a professional committee who evaluated the north side. In fact, Mr. Castle, his wife was a part of that committee, and she knows the detail. We surveyed almost every house in that area to see, that was in 1994, to see if there was need for more transportation, more schools, those kinds of things. That was in 1994. Professional people taking a look at that. Here we are what six or seven, eight years later almost, there doesn't seem to be a need for additional schools or redistricting, because the board has taken no action on that. So, that's what I say to you is we looked down the road with these estimated figures, and with the hypothetical figures 2025, in the meantime a lot of frontage on people has been utilized for something that may or may not happen. I was very, very happy to hear Mr. Mosby say, I know you take the same position, I know Mr. Mourdock does, that you represent the county, and you are here to save the taxpayers money. If we could go back to what our original design may have been, and, of course, there had been a study on that, it was around \$1 million, here you could easily pick up \$1 million, and it may be serving the same purpose. It's just hard for me to visualize a four way stop with four turn lanes on this county road with the traffic, you know, that we have at this point in time. Here again, I appreciate your listening. I know you've done a lot of talking and getting a lot of the input on this. It's not just something in our back yard, it's something for the entire community. We're for transportation improvement, but we're not for excessive use of our taxpayer's money. Thank you very much.

President Fanello: Thank you, Mr. Gourley. Is there anyone else?

Frederick Castle: Hello, my name is Frederick Castle. I live at 8801 Old State Road. Unfortunately, Herb Marynell is not here, he's out in the hallway, perhaps conveniently. I want you to know that I'm a disinterested party, and that my real estate is unaffected. You are not taking any of my property, or you're not proposing to. For that reason, I hope there is no retribution either. As you've already said before, and it's been stated to you a number of times, I think we need to make the

wisest use of the money that is available in this county. I've yet to hear an effective argument as to the need for what we are talking about. Everything is almost already there. I take exception to the EUTS report. There is no place else along Old State, or, excuse me, along Mt. Pleasant to build a subdivision. It's almost all built out. What is the need? I would like someone to show me the need. What the need really is, and what I said to you about a month ago, is you don't need to go to Santa Claus, Indiana to ride the Raven. Drive Mt. Pleasant from 41 to Old State Road. You get the same sensation. It needs to be leveled. It needs to be fixed. It needs to have a little shoulder on it. That would improve traffic flow greatly. The worst traffic jam I experience is at 7:00 in the morning when I leave for work, and if I'm about five minutes late, I'm behind two school busses and ten cars. That's it. I've yet to see someone provide me with proof of a need. I think that would be appropriate. I think that is something that you ought to seriously consider, if you are serious about saving the taxpayer money. Thank you.

President Fanello: Thank you.

Tom Hare: My name is Tom Hare, and I live at the corner of Old State and Mt. Pleasant. Ever since this thing's come up I sit out there, and sit out there in the morning, like between 7:00 and 9:00, and between 3:30 and 5:30, and I just don't see that many cars. I mean, there is rarely even a car behind another car stopped there. I don't see how it, you know, Mt. Pleasant needs to be paved, and a traffic needs to be lowered from 45 to 40 to make it the same as Old State. Old State is a much better highway than Mt. Pleasant is, especially, in the condition it is in now. Lowering the speed limit would be, you know, with all the entrances and exits, would be a real helpful thing. I mean, I would sit out there, and, you know, I've got to admit, I don't normally get up that early, so I just hadn't really paid attention, so I started paying attention to it, and it just...you could see if it doubled, it still would not have the traffic potential that they are talking about here, which is not there. One of the biggest problems is, the amount of construction trucks, dump trucks, gravel trucks that are building the subdivision. Once those are gone, then the traffic will move even better.

President Fanello: Thank you. Is there anyone else who would like to speak to this issue? John, as our expert County Engineer, did you have anything that you wanted to add at this time? Or respond to any of the comments.

John Stoll: In regard to the traffic data, it does come from a computer model, and it's based on future demographic projections. Whether it is accurate or not remains to be seen. It's based on the best available tools. Best available data. Basically, it takes households and commercial developments, things like that, and develops productions and attractions and then assigns that to a road network. The assignments are up to 9,000 in the year 2025, and I can't stand here and say, yes, we'll hit those. I can't say, no, we won't. I know the projections on the Lloyd Expressway, for example, were undershot in a big way, when it was originally done. Modeling technics have improved, hopefully, we've got some accurate results here, but I can't argue with anybody here in the audience that says we don't know those numbers will be hit, but those are standard, accepted procedures in generating future traffic volumes. In regard to the turn lane issues, like I've put in the memo, basically, the EUTS warrants are what we use whenever we have developers put in turn lanes. We've had numerous other subdivisions put in left turn lanes. Some of them are complete, some of them aren't, but when they hit the peak hour turns of 30, then that is when they've been requested to put in turn lanes, if the right-of-way is there. Just up the street from here there was supposed to be a turn lane installed

along Old State Road for a third entrance to Clear Creek. At the time the subdivision was approved no checks had been done on the right-of-way. It turned out there was insufficient right-of-way, so that entrance was eliminated. That's all the further north we have to go to a location where a left turn lane was going to be required by a developer. So, that was kind of the route of proposing the left turn lanes, because it would be something we would request from a developer as well. In regard to the cross section of two lanes, or three lanes, or improved two lanes with shoulders. First of all the shoulders option would probably be one of the more disruptive things we could do, because by the time you put a shoulder in, and then put a ditch in, you would have substantially more right-of-way take than probably what we are looking at right now. By the time you cut the fore slope and the back slope of the ditch in, especially, on the north side, we would probably have much more substantial right-of-way takes. So, that, to me, wasn't a realistic option, as well as the fact that the ditches would likely be piped, and the curb and gutter eliminates all that. So, the curb and gutter option was the most realistic as far as the design goes. Then when you get to the three lanes versus two lanes, the impacts, while they will take more property, it's only about another 6 ½' based on dividing the two, the 13' turn lane in half. That would be about the additional, the need for additional permanent right-of-way. We do have temporary easements that do expand well outside that right-of-way, because the slopes out there are significant as it stands right now. Most of the properties on the north side go substantially up hill. The properties on the south side go substantially down hill. So, we do have significant temporary right-of-way needs to match it all back in, regardless of which option is chosen, the two lanes or the three lanes. So, unless you start making extremely steep side slopes on these cut or fill areas, we wouldn't change the right-of-way needs substantially by going back from three lanes to two lanes based on the review that I've done with Morley and Associates engineers. It just doesn't affect it massively. Other than that, I mean, unless you've got some questions, that's kind of in a nut shell how we got to where we are today, as far as the design goes.

President Fanello: You just said the right-of-way concerns would not change. We would still be facing the same right-of-way issues.

John Stoll: Close.

President Fanello: If we went from three to two?

John Stoll: Right.

Commissioner Mourdock: How can that be, John? How can that be, John? I don't understand that. Instead of having three lanes—

Unidentified: There's no way.

Commissioner Mourdock: —only went to two lanes, or kept it at two lanes.

John Stoll: We would go from a 41' cross section to a 28' cross section. We would be dropping 13' of pavement. If you split that either side, north side, south side of the road, that's where the 6 ½' comes in.

Commissioner Mosby: But are you saying then with the slope and the open ditch that you are probably going to take up as much right-of-way as they would if you built curbs and gutters and piped everything and just closed it in? Is that what you are saying?

John Stoll: I didn't specifically compare where the slopes would be if we did an open ditch option. Just knowing, especially on the north side the way that embankment goes up substantially, by the time you cut any ditch into that whatsoever, you would be way up in those yards. So, my gut reaction is, yes, it would be substantially (Inaudible. Talking over each other.)

Commissioner Mosby: I mean, because I'm picturing that, and I can imagine an open ditch along there. I mean, to flow water you've got to have it, but if we're not going to pipe it and put curbs on it, I mean, that's what you are going to be left with.

Unidentified: There's already one there now.

Commissioner Mourdock: Yeah, there is an open ditch there now.

Unidentified: There's already an open ditch there now.

Commissioner Mosby: Well, I'm just saying though if they go over and widen a little bit, and slope it down to meet the standards. I mean, I'm not the engineer, but-

John Stoll: There are open ditches in some locations, but some locations they've been piped and filled. It's random locations where the ditches currently exist. I tried to sketch (Inaudible. Mike not on.) where the curbs would be on a two lane section, and ran it out the same way. So, here again, where we match back in, there's only about 6', 6 1/2' difference. I didn't do that on every cross section, but in a nut shell, that's how we were looking at it in regard to what the impact would be. The same thing here, I mean, if you follow this slope out, it's going to pull this toe back. I thought I had some more cross sections in here where I'd sketched that out. Maybe I didn't bring that set, but, I guess, I can show you. (Inaudible. Mike not on.)

Madelyn Grayson: Can you please use the mike, John?

John Stoll: Sure.

Madelyn Grayson: Thank you.

John Stoll: The two red lines are where a curb would have been if it's a 28' cross section, and providing the same level area behind the back of the curb, and then dropping off at the same slope, you can see the toe of this slope and the toe of that slope. There's not a substantial difference. Basically the same width here as what matches up over here.

Unidentified: I'm sorry, I can't hear him.

Commissioner Mosby: He can repeat it from there.

John Stoll: I was just showing the Commissioners a general cross sections of where we sketched a 28' road in, and showed where the slope would match in. Basically, it doesn't change but about more than about 6 1/2' where the toe of the slope comes back into the existing ground.

Commissioner Mosby: He's got this information, I mean, if somebody wants to look at it, he can show you. I mean, it's sketched out.

John Stoll: (Inaudible. Not at mike.)

Unidentified: I would like to just have a clear answer–

Madelyn Grayson: Can you come to the mike, Mr. Kremer?

Commissioner Mourdock: You need to come clear to the mike, it won't pick you up.

Commissioner Mosby: Yeah.

Larry Kremer: Today we have an existing roadway that, I think, we'd all agree needs to be fixed. There's no question about that. I think the question, Commissioner Mosby, is what's the width of a road, properly done, two lane and the cost with curbs and gutters? Because I don't think anybody, you don't, we don't want ditches. As compared to a three lane road, as is proposed to be constructed. I would just like to understand the differences from, you know, that two lane with curbs and gutters, properly done, versus the three lanes with turn lanes, the width it's going to be, and the cost, because, as we said here more than once, that subdivision, I mean, that road for the most part is built out other than Clear Creek. There aren't going to be anymore subdivisions built there. I'm struggling with the growth that's being projected by the traffic generation model versus what is reality. What is reality is what is along that road today. So, I would just like to understand, from my perspective as a taxpayer and as a property owner, what's the road width, properly done, with curbs and gutters, versus the three lane road, properly done, I suppose, with curbs and gutters as well. Thank you.

Commissioner Mosby: I would totally agree with you. I think that's what I'm sitting here thinking right now. Because the first thing I don't want to do is rebuild the Lloyd Expressway. I mean, it was outdated, let's face it, it was outdated the day we opened it up to drive on it. The first thing I don't want to do is go out here and do a project that costs me \$2 million, when I could have spent a half a million more and did it right till the year 2025. I guess, that's what I'm looking at right here. I mean, and I don't want open ditches out there, and nobody wants an open ditch in front of their house. If what John is telling me is there is less than 6' difference in a two lane stick road that meets requirements with open ditches, than a three lane road with curbs and gutters and piped and the whole nine yards, I mean, we are talking, we're arguing 5'. So, that's what I'm trying to figure out. From what I'm seeing here, facial expressions in the audience and people's heads, nobody wants open ditches. Nobody wants a standard two lane road with open ditches, because I'm seeing this. So, if we can do this right, and not have to do it again for 20 years, you know, the 5' and the half a million dollars is probably not a very big price to pay. I think that's what we have to do. We have to sit here and look at this project, and determine what's good for 20 or 25 years. Not what's good for the year 2004 when we open it, and then come back and say, you know, we should have put turn lanes in, and in the year 2005 John's back out there, and we're doing construction all over again. So, I mean, you're right, I'm looking at saving money. I'm just glad I hear everybody realize the fact that I said I'm trying to save money tonight. I can't get that message through across the hall, but, you people are pretty attentive. I wish you were in city government. Anyhow, that's what I'm looking at, and, yes, I would...I think what I would really like to do is have EUTS come in here and give us a presentation on why this is critical, and how critical it is, and how soon we need to do it. Then decide, with the neighbors, and let them look at the same drawings that we're looking at, so that they can understand what you're talking about. I mean, I'm sure there's people that don't understand it, and show them the difference in the 5' or 6'. I mean, because if all we're talking about is 5', I mean, I really don't see where you're going to be satisfied, I'll say, with going the alternative route of just putting a two lane road

in with ditches. I think that's just something we need to discuss with the neighbors. If we need to have a neighborhood meeting, that's fine. I mean, I'm not opposed to going out to, and I know all three Commissioners can't go, well, two Commissioners can't go, but one Commissioner could go—

Commissioner Mourdock: Have (Inaudible).

Unidentified: Convene your meeting there.

Commissioner Mosby: Well, I don't know that we can take all the recording system and everything out there, but one Commissioner along with the Engineer can come out and meet with the neighbors, and we could look at this, and say, okay, here's what you've got. Instead of here, we're going to be over there where the chairs are. This is adequate. This is three lanes, you've got curbs and gutters, you've got sewers, you've got the whole nine yards. Or we could be right here with the ditches, and, you know, you make that determination. Decide what you want.

Harold Gourley: But it can...I heard your comment a moment ago—

Commissioner Mourdock: You need to come to the microphone, Mr. Gourley—

Commissioner Mosby: Mr. Gourley, you have to—

Commissioner Mourdock: —if you want to speak.

Harold Gourley: I think the comment was made that you had no plans of going towards Darmstadt Road. Well, why do we need to go beyond Old State Road?

Commissioner Mosby: Them questions I would like for EUTS to answer, I really would. I mean, they are the transportation, you know, people who decide till the year of 2025, and, I mean, I'm not going to knock the EUTS' model, and I've sat on the EUTS board before. I mean, we have to some how have some way of determining where we're heading, and I know everybody says it's speculation, or it's a guess, or , you know, whatever you want to call it, but I'm sure 75% of what we do is we're trying to, you know, look into the future. EUTS is doing the same thing. I appreciate that information, because, like I said, I don't want to build a road and open it in 2004, and then in 2005 we're back out there because you call me and you say I can't turn left, or I can't turn right, and there's cars backed up everywhere. That's my worst fear or nightmare, that we sit and do something like that that's inadequate the day we open it.

Harold Gourley: As Mr. Castle indicated, those subdivisions are full, and there's going to be little expansion from this point on, and the numbers doesn't (Inaudible) the fact, at this point in time, unless somebody comes up with a different set of numbers.

Commissioner Mosby: And I would really like for EUTS, and that's why I say we need to have them here. We can have a meeting with Rose, and let her explain, you know, where she thinks the increased traffic will come from. Her or her engineers, and, you know, how they are, you know, filling, putting the data into their model, you know, to come up with their numbers. I mean, I don't want to sit here and try to answer for them. I, you know, we can get that information from them. We can have a meeting where EUTS is here, and, as I said, I am not opposed to coming out to your neighborhood, on site in somebody's front yard, if that's what we want to do,

and look at the plans John's got, and look at what we've got , and look at what we're facing, and determine from there where we want to go.

Harold Gourley: Thank you.

Commissioner Mosby: Thank you.

Commissioner Mourdock: I'll just make a couple comments here, and, as you know, the three Commissioners represent various districts of the county. This happens to be in my district, so, we represent everyone in the county, but we come from different districts. I probably know the intersection there as well as any of us, in the sense that I drive through it a lot, I ride my bike through it, and I jog through it. When this project all started, I think Mr. Gourley said originally that his perception was that it was going to be something about widening and curbs, and quite honestly, that's the way I looked at it too. This has not improperly grown, I mean, I know John always does a good job. He's always very thoughtful with it. I have no doubt that the plans that have been put in place do meet the many warrants that are put on us by EUTS, but when I look at this, and I do see the maturity of the neighborhood, the more I look at this, the less sense this one makes. The other thing is, I see the budget priorities, I'll tell you what, even though there is probably more traffic through this intersection than some of the intersections on the west side of town, I think there is a greater danger priority on some of the intersections on the west side, just off Red Bank out there where \$2 million could mean a whole lot more than what it would mean here. I have a real concern about this. So, oh, I have one more comment with EUTS. You know, I think each of us has served on EUTS...you've been on it already, okay. I've seen things come out of EUTS that I do question frequently. I will never forget one time when EUTS came here, and proposed that the major east-west corridor across the county, on the north side of the county that had to be widened, and had to be redone was Boonville-New Harmony Road, all the way through Darmstadt, all the way through McCutchanville, a twisting, winding, turning, up and down the hill road with all those neighborhoods in it, would be a tremendously expensive project, and that was the EUTS answer. Here I see EUTS saying, well, we need to have this better thoroughfare east-west, and yet it does stop at Old State, which, I mean, even if you take EUTS' position, I don't think makes much sense, but if you go less than what, less than 2/10 of a mile, you're going down a steep hill, and then you have a sharp "s" turn, which are they looking in the future of expanding that over to Darmstadt Road? That makes no sense at all. So, you know, if you want to bring EUTS in and do that, I will certainly direct that question to them, but this project, the more I look at it, I think it is the wrong thing traffic priority. I certainly think it's the wrong financial priority. I think we need to worry about safety first, and I think there are a lot worse intersections on your side of town, David, that might need the money.

Commissioner Mosby: I won't disagree with you on Red Bank Road and the Lloyd. You can get killed coming off that thing. I definitely won't disagree with you. I think that's why we have to have EUTS in here, because we need to see...when I was on the City Council, Mill Road was talked about—

Commissioner Mourdock: I remember that well.

Commissioner Mosby: —and we had that battle over there for a month or two. When they said they wanted to take Mill Road and make it four lanes, and straighten it out, and I think we was going to take out Sarto, and everything else—

Commissioner Mourdock: Uh-huh. Uh-huh.

Commissioner Mosby: –that was in it's way. I don't disagree with you on some of the things that have come forward. I think that's why we need to get EUTS in, and we can question them. If this doesn't happen, I want to hold you to the \$2 million before we get off this mike. I mean, because I need it.

President Fanello: Okay, why don't we go ahead...do the residents mind coming back next Monday night, and we'll put you first on the agenda? So, we'll go ahead and have EUTS here next Monday night.

Unidentified Group: Thank you.

Commissioner Mosby: I don't know if before or after that, John, I was serious, if we want to go out and meet with them–

President Fanello: Uh-huh.

Commissioner Mosby: –and they want to look at these plans, and you can probably explain them a lot better than what we can right here sitting in this...so, I'm not opposed. If the other two Commissioners want, I'll go out there, and we can look at the project, and talk about it. Either after or before.

Commissioner Mourdock: I'll repeat, I have no doubt about John's good efforts here. I'm a John Stoll fan. You always do good work with this, John, and I know like most engineers, you are fixated on what the requirements say, and I know you've met those. I think it's just that it's one of those times when, as a Commission, we have to look at EUTS versus what we have as a neighborhood.

President Fanello: So–

John Stoll: One thing too–

Commissioner Mourdock: And what we have in the budget.

John Stoll: I was going to say, in regards to the question about costs, ball park numbers, I mean, a three lane road is going to be half again as much more as a two lane road. The numbers of \$2 million, yes, that is the budget estimate. Seeing what Burkhardt Road cost, I don't think that this should be as much as \$2 million, simply because we're getting slightly over a mile of Burkhardt Road at five lanes for \$2 ½ million, if you exclude the water line that we had to put in out there that we will be reimbursed for, so, three lanes would be 60% of that. So, we would be at \$1 ½ million. So, realistically, we should be lower than the \$2 million, but for budgeting purposes, that is the number.

President Fanello: Okay. Well, I will go ahead and, Tammy, if you will please put this as the first item on the agenda next week, and also make a call tomorrow to the EUTS Department, and see if Rose Zigenfus can be here next Monday night.

Commissioner Mourdock: If, in fact, Rose cannot be, can we somehow communicate with these folks–

President Fanello: Uh-huh. Yeah.

Commissioner Mourdock: –so they don't –

President Fanello: Let us know as soon as possible.

Commissioner Mosby: Can we have a contact person that Tammy, okay–

Commissioner Mourdock: Everyone just pointed at Mr. Gourley.

Commissioner Mosby: Mr. Gourley, you're the contact. From behind you were being pointed at. No. If we cannot get the Director of EUTS to the meeting next week, Tammy will contact you, and maybe if you could, spread the word to the other four or five, so that they don't come down here, make a trip, and then we'll be sure we get the date set.

President Fanello: Okay, thank you.

Madelyn Grayson: Catherine–

President Fanello: We do appreciate your input.

Unidentified Group: Thank you.

Madelyn Grayson: I will need a copy of that EUTS letter for the record. I do not have that.

President Fanello: You can go ahead and take my copy.

Madelyn Grayson: And may I make a tape change?

President Fanello: Uh-huh.

**(Tape Changed)**

President Fanello: Okay, John, you ready?

John Stoll: Yeah. I've got a time extension request from CCC of Evansville for the Heppler Road Bridge Project. This is contract number VC02-03-01. They are requesting that the time, the completion time be extended by four weeks, which would put the new completion date at August 15<sup>th</sup>. They've been flooded out up there, and that's why they really couldn't progress the project. They've also had some delays from utility relocations. So, it's requested that this be approved.

Commissioner Mosby: I'll make a motion to approve the time request.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That doesn't require any signatures or anything. That's just for the record. Next, I've got a request for the acceptance of Wright Drive in Meyer Acres Subdivision. This is, basically, just the addition of a cul-de-sac on the south end of Wright Drive. It was constructed according to plan, and it's requested this be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last item I've, the last item I've got is the request for a street plan approval for Section 7B of Cross Pointe Subdivision. This is for an extension of Cross Pointe Boulevard up to Columbia Street, and then a small portion of Columbia Street to be constructed. I reviewed the plans, and would request that these street plans be approved.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: Do you want to see these? So ordered. Where am I signing?

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

Commissioner Mosby: No, not from me.

John Stoll: Thanks.

<b>Reggie Haskins: County Highway</b>
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President Fanello: County Highway.

Reggie Haskins: Good evening, Reggie Haskins, County Highway. I'm pretty sure you'll all received Ralph's reports, weekly reports. I don't have any other business to discuss, except for to inform Mr. Mourdock about the Knob Hill Project.

Commissioner Mourdock: I can barely hear you.

President Fanello: Yeah, I can't.

Reggie Haskins: Knob Hill. Knob Hill Project. We went out to the person's residence, and found that he had a clogged culvert. What we did, we went ahead and put in a work order. The locates have been located, and it's going to be a couple of weeks before we get a flush truck to handle this problem. Flush it out, and that should take care of the problem out there. Ralph wanted me to inform you of that.

Commissioner Mourdock: You are just going to get some jet rods or something to clean it out?

Reggie Haskins: No, we're going to actually go through Cleantech—

Commissioner Mourdock: Okay.

Reggie Haskins: —and get a flushing unit, and flush it out.

Commissioner Mourdock: Okay, but are they going to flush it out using jet rods or something?

Reggie Haskins: Right.

Commissioner Mourdock: Using real high pressure.

Reggie Haskins: Yes, sir.

Commissioner Mourdock: Okay.

Commissioner Mosby: I had talked to Ralph, and being as we don't have a flusher truck, which is something that we might want to think about as many culverts...we're contracting this every time we do—

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: —and he has to call and schedule this.

Reggie Haskins: Right.

Commissioner Mosby: A lot of times we can't get the truck when we need it. Are you familiar with the one's the Sewer Department has?

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: Okay.

Commissioner Mourdock: Well, I don't know the specific one's they have, but I'm familiar with jet rods.

Commissioner Mosby: Yeah, it's a jet flusher, because I used to work over there, and it would be a nice piece of equipment to have with as many culverts and inlets and stuff we're getting.

John Stoll: I was going to say too, if we don't have one now, by the time the Phase Two Storm Water Requirements come in—

Commissioner Mourdock: Yeah.

John Stoll: —we will have to have one.

Commissioner Mosby: We're going to need six then, so, why not get a jump on buying one.

Commissioner Mourdock: Well, it sounds like you came to the microphone with information, and David sends you back with something to plan for for the budget next year, so.

Reggie Haskins: Well, I think Ralph had that up his sleeve too. I don't have anything further. Do you have any questions?

President Fanello: Anybody else have any questions? Okay.

**Kevin Winternheimer: County Attorney**

President Fanello: County Attorney.

Reggie Haskins: Thank you.

Kevin Winternheimer: I have no report today.

**Tammy McKinney: Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything else.

**Steve Craig: Burdette Park**

President Fanello: Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. Richard, to answer your question from last week that I didn't have the answer for, the name of it is the Family Social Service Agency and the Bureau of Child Development. They oversee and implement the guidelines. Then the Evansville 4C Referral and Coordinating Services inspects all the sites.

Commissioner Mourdock: Hmm. Okay. Now you can remember the question. Oh, okay.

Steve Craig: The only thing else I have is my work reports.

President Fanello: Okay. Is there any other questions of Mr. Craig?

Commissioner Mourdock: Let me go back to that. If Family and Social Services is out there saying that we're approved, does that mean they are available for money?

Steve Craig: We may be. We were the first one that received—

Commissioner Mourdock: Yeah.

Steve Craig: —accreditation in the state. The Family Social Services Agency, they oversee the Evansville 4C, which is the group that goes around and does all the coordinating—

Commissioner Mourdock: Right.

Steve Craig: —and the inspections of the sites, from the way Joyce explained it.

Commissioner Mourdock: Is 4C, is that a contract company? Or is that another government agency?

Steve Craig: I don't know that. Mary Hillenbrand works for them. I guess it's a contracted company.

Commissioner Mourdock: Is that, oh, Catherine, I thought your head was nodding. Is that right?

Steve Craig: Does anybody know who Evansville 4C is?

President Fanello: Sheriff.

Commissioner Mourdock: Oh, okay.

Kevin Winternheimer: I think it's a regulation. It's a funding mechanism.

Commissioner Mourdock: A funding mechanism.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: Hmmm. You might just chase that a little bit, Steve, and see where it goes.

Steve Craig: Okay.

Commissioner Mourdock: Because if they are going to take all the trouble to come down here and certify us, and since we were the first in the state to be certified, by gosh, maybe we ought to get a grant of some sort for those good efforts.

Steve Craig: Sounds like a winner. We can always use a grant. Catherine, on that grant writer that I told you about, it was Carrie Parmenter, and I do have her number and that that we can contact her.

President Fanello: Okay. Because I don't think we've heard anything from the other grant writer that we contacted, have we?

Tammy McKinney: As far as?

President Fanello: For the Old Courthouse?

Tammy McKinney: Uh-uh. She's just running into dead ends, because we don't have the non-profit status.

President Fanello: Well, we, basically, we do.

Steve Craig: We do.

Tammy McKinney: Oh.

President Fanello: I mean, we established the Old Courthouse Foundation Board, so.

Tammy McKinney: Has that, is that activated?

President Fanello: They haven't met for their first meeting and accepted the, all the things are in the works, so I just got back the Council's appointment for that. So, it will be ready to go next week. I was going to bring a list of all the appointments for us to consider.

Commissioner Mourdock: That did get set up as a 501c(3).

President Fanello: Yes.

Tammy McKinney: It is set up. I don't, as far as I know, it's just not activated. If it is activated, then we can start going for those non-profit things.

President Fanello: Okay, so she does think that there are things that she can do then? Okay.

Commissioner Mourdock: You mentioned Carrie Parmenter. Is that the lady that used to be with Soil and Water?

Steve Craig: Yes, sir.

Commissioner Mourdock: Okay.

President Fanello: Okay. Thanks, Steve.

Steve Craig: Thank you.

**Mike Wathen: Soil and Water Conservation District**

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

Commissioner Mourdock: No, Mike Wathen is here.

President Fanello: Oh, I'm sorry.

Commissioner Mourdock: Soil and Water.

President Fanello: I am so sorry, Mike. I didn't see you walk in earlier.

Mike Wathen: Mike Wathen, Soil and Water. In addition to my weekly report, which I think you guys have got, I wanted to sort of keep you abreast of a couple of other issues here. Actually, eight of them. I've got pictures of them. They are all labeled and dated. Woodgate Subdivision has received a warning of non-compliance. Our office has sent out four separate on-site evaluations on it. Before I leave, I'll leave you with a sheet here that will have the dates that all the on-site evaluations went out. Clear Creek has also received a warning of non-compliance. Eastbrooke Mobile Home Park received one, but they've made the corrective recommendations that we've asked them to do. Timber Park has received two on-site evaluations. They did not receive a warning of non-compliance. McCutchan Court, I spoke to that briefly the last time I was here. It's received a warning of non-compliance, and there's some pictures in there. I included four or five of that one to try to give you a feel for what was going on out there. The pictures that you are looking at, with the concrete being cracked, is an overflow that was installed approximately 30 days ago, per the request of the County Surveyor's office. I agree very wholeheartedly with Bill on what we've tried to do out there. I took those pictures last week. In my opinion, I have not yet talked to Bill about that specifically, but, I think it's bad enough that it possibly could be looking at being replaced.

President Fanello: Possibly look at what? I'm sorry.

Mike Wathen: Possibly look at being totally replaced. There is probably 15 cracks in it. There is two chunks out of it that you can see in the pictures. I think my boot shows up in a couple of the pictures, and I did that so that you could get an idea of the size of the chunks. That overflow is sitting directly in the center of the dam, which is, essentially, I mean, it's that big, because there's that much volume of water that has to go through it. So, for it to be cracked within 30 days—

Commissioner Mourdock: Which one is McCutchan Court? Is that the one on the north side of Boonville-New Harmony Road between—

Mike Wathen: McCutchan Court is over there off of Heinlein. It would be north of Heinlein.

Commissioner Mourdock: Okay.

Mike Wathen: You've got, well, you can also get to it, I guess that would be Browning, but it lies down in between there. It's the one that's got the two acre detention pond that was built late last Fall. It filled up in two rains. I've got pictures of it breaching the dam on the second rain that hit it. Part of the reason why is that that concrete overflow structure that you are now looking at that has failed, was not installed at that time. It was installed approximately 30 days ago.

Commissioner Mourdock: Again, the current status is what with these? What have you done by way of notice?

Mike Wathen: On that one there it's been, I've did three on-site evaluations. They have been sent to DNR. The last one being on 5/16 of this year, and it has received a warning of non-compliance. If you would want to know any more specific notes, here's a copy of may actual notes, just on that site.

Commissioner Mourdock: Okay.

Mike Wathen: Another one we are dealing with is Windham Hill, Windemere, and Wynnfield. They have not received a warning of non-compliance. Lynn Miller from DNR is coming down Thursday, and I intend to spend most of the day with him. I know we are going to review all of these with the exception of Eastbrooke Mobile Home Park. We've also got a couple more on the list that we are going to try to get to, if time permits. I wanted to keep you abreast of where those stood. I've dealt with nine local ordinance violations since the last time we've talked. Some of those involve some drainage issues that were slash erosion issues, and some others were specifically erosion. The big items are the one's that I've shown you the pictures of there.

President Fanello: Does anyone have any questions? Thank you, Mike.

<b>Ozone Officer Report</b>
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Commissioner Mourdock: I move we add the Ozone Officer's Report to the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Old Business Revisited:  
Letter to Building Authority: Petitioner on Vacation of Ninth Street**

President Fanello: Before we move to Consent Items, I forgot to bring something up under Old Business, and I don't know if it requires a motion or what, but since we did last week, two of the Commissioners voted to pursue vacating a portion of Ninth Street. I spoke with Mr. Rector this morning, Dave Rector, who is the Director of the Building Authority, and spoke with Kevin Winterheimer, and since the Building Authority does own the property, which we already were all aware of, they need to be a petitioner on the vacation. So, this letter basically asks them to hold a meeting, and we would make a presentation, or Bernardin and Lochmueller would make a site survey presentation to them, and explain the project. Then ask them to take a vote if they would like to be the petitioner.

Commissioner Mourdock: I-

Commissioner Mosby: Go ahead.

Commissioner Mourdock: I was going to say my assumption on that is, that since that's, basically, following through with the action of last week-

President Fanello: Uh-huh. That's why I don't know-

Commissioner Mourdock: -I don't know that you need us to vote, actually.

President Fanello: -if, okay.

Commissioner Mourdock: I mean, if you're doing it, and, obviously, you have the letter set up for your signature, I don't know that-

President Fanello: I didn't know if we needed to formally take a vote or not, so.

Commissioner Mosby: That's up to the Commissioners.

President Fanello: No.

Commissioner Mosby: I mean, just so it's a part of the record.

President Fanello: Uh-huh. Okay. Sheriff, did you have anything that you wanted to add?

Brad Ellsworth: If I may. This isn't about that. I received a letter dated May 20<sup>th</sup> that the Department of Corrections...I've got three copies. I would like to inform that, I think the Commission, at least Commissioner Fanello got courtesy copied on it, but it was one of the in reference to the April 23<sup>rd</sup> meeting that we had in Indianapolis about staffing. I know that some of the Commissioners asked about the feasibility of continuing the use of the existing jail, and this letter is from Paul Downing of the DOC addressing that. I won't read the whole thing, but it said;

You inquired about the feasibility of continuing to use the existing jail, and building a second, unattached, jail. Each post manned 24 hours per day, 7 days per week, requires approximately 5.1 staff to ensure coverage on days off, sick, vacation, etcetera. Take the annual salary

of a jailer, add the cost of a jailer's benefits package, and then multiple, or multiply by 5.1. Now multiple, now multiply by the length—

It does say multiple.

Now multiply by the length of the loan planned to finance the new construction, 30 years, the result represents the cost of each person, each post that must be duplicated over 30 years. Based on the information provided during our meeting, the cost estimate for Vanderburgh County for each duplicate post would be as follows;

An annual salary of \$48,147, at a ratio of 5.1, the annual additional cost for each staffing position that we would duplicate, a floor supervisor let's say, or a pod supervisor here and one there, or up there or down there, wherever we go, we're talking about an annual cost for every duplicated post of \$245,550. Over a 30 year finance that would be \$7,366,500. Again, I reiterate, that's for every duplicated post by being in two different buildings. That's what we're trying to do in these, this efficient design is the least amount of people guarding the most amount of inmates.

The schematic design reflects approximately 50 beds over the previous peak population at the jail. Projecting the numbers of beds needed in the future is certainly no easy task, and unfortunately there is no simple formula. Factors that will impact the jail population, such as: current and projected trends in county population; bond schedules; court schedules; sentencing philosophy—

which is extremely important here—

and practices; viable community alternatives; collaboration on the alternatives; length of stay; and community values, all must be considered in the planning process.

It talks about community corrections, and how that could impact it. Talks about over building and building for expandability. Then it also talks about some of the pod designs that we've done. So, I would like to, at least, distribute this to the Commissioners. Commissioner Fanello, do you have (Inaudible. Stepped away from the mike.)

President Fanello: I did get a copy.

Brad Ellsworth: (Inaudible. Away from mike.) Like I said, that came at our request to Paul Downing. He's the State Jail Inspector from the DOC. If you all had any questions about it, I just wanted to get that to you all before. I didn't want to sit on it another week, so.

President Fanello: Okay. Appreciate it.

Commissioner Mourdock: Yeah, it's a shame he didn't answer how we still get to what we all agreed we needed, which is 700 beds.

Brad Ellsworth: Right.

Commissioner Mourdock: Because we're still not there.

President Fanello: More money.

Brad Ellsworth: Absolutely. I guess, more money. I don't know. One of the things that Commissioner Mosby said earlier is, and I think it's important when he was talking about saving money, again, I have to reiterate in these designs is guarding the most amount of inmates with the least amount of people to save money. I know one of the things we talked about, and the public gets mad, and I'm just, this is, I guess, Brad Ellsworth talking, we talk about wearing different hats, is I think the public is going to be really angry when the Judges let people out of jail that go out and commit another crime because they had to let them out because of our numbers.

Commissioner Mourdock: You and I have both agreed, Brad, in the past, the jail population keeps going up like this, and then the newspaper does a big article, what happens? The jail population drops.

President Fanello: But, is that right?

Commissioner Mourdock: Is that right?

President Fanello: I mean, but is it, I mean—

Commissioner Mourdock: Oh, you mean justifiable.

President Fanello: Yeah, justifiable. Very good word. Because I think—

Commissioner Mourdock: Let me finish my sentence.

President Fanello: Okay.

Commissioner Mourdock: I understand what you are saying, and that raises the question is it justifiable to have them getting higher all the time? That I would agree with you on—

President Fanello: No, is it justifiable to drop?

Commissioner Mourdock: Okay, but it would be argued that it's justifiable, because we haven't seen every time it drops, the crime rate doesn't go up. That's my point. We've had that discussion many times in the old Blue Ribbon Committee.

Brad Ellsworth: If we run our own newspaper then, and distribute that, maybe we won't have to build a jail.

President Fanello: I'm thinking about buying one.

Brad Ellsworth: I don't know.

Commissioner Mourdock: It might save us a lot.

Brad Ellsworth: Run that article, put that article in everyday.

President Fanello: I guess, I'm confused because all of these reports, I mean, we get all these publications in the mail that come through that say crime rates are up, and I think I saw a couple of publications either in our local newspaper or USA Today about crime rates going up. Then, I think, I saw something, maybe about a week,

or a week and a half ago about Indiana prison rates going up. I mean, I keep getting all these things about rates going up. I don't see anything about rates going down.

Commissioner Mourdock: Well–

Brad Ellsworth: Last year there were reports that violent crime was down, and juvenile violent crime was up, and violent crime was going down. We have not seen decreases in Evansville in those numbers. We've seen increases in property crimes and burglaries and thefts, and you really don't know when a burglar....I mean, Donny Ray Wallace was a burglar–

President Fanello: Uh-huh.

Brad Ellsworth: –before he killed a family of four. He was just a burglar. Would you let him, I mean, you know, if he'd have been in jail–

President Fanello: Uh-huh.

Brad Ellsworth: –I mean, that's one example in the last 20 years, but if he'd been in jail on that last burglary charge. The officer up in Oakland City who was, had a couple of warrants on him, and when they pulled him over on those warrants, he was out on bond, and he shot the officer in the forehead and killed him.

President Fanello: I think Paul Downing said in his letter community values. So, I mean, we, you know, our Judges are sentencing people based on state law. You know, we're prosecuting people based on state law. These are the state laws that the community has wanted to be put in place. We have to, as a community, look at ourselves. Are these the tough laws that we want in place? If we want to be tough on crime, that requires locking people up.

Commissioner Mourdock: And a 700 bed jail.

President Fanello: Exactly.

Brad Ellsworth: Until we–

President Fanello: And I think we lobbied for that last year.

Commissioner Mosby: I'm voting with you. 700 beds.

Brad Ellsworth: I think the public agrees until we have something big happen, and something explodes, and the guy that got out on a \$50 bond, or whatever, breaks into their house, and then they are going to come down and say, why did you let that guy out?

President Fanello: Uh-huh.

Brad Ellsworth: Or go to that Judge and say why did you let him out? I only bring this up because this site selection, we are kind of dead in the water waiting for this site. So, I think, we have to keep reminding ourselves–

President Fanello: Uh-huh.

Brad Ellsworth: –that we need to move.

Commissioner Mourdock: The potential for that is always there, and I don't recall the guy's name, but I know you will, the guy that ended up over in Warrick County, or Spencer County, and then accidentally got released, and then—

Brad Ellsworth: It was Eric Scott Branch, was that guy.

Commissioner Mourdock: Yeah. A name I try to forget.

Brad Ellsworth: Right.

Commissioner Mourdock: But if we can always have those things show up—

Brad Ellsworth: Absolutely.

Commissioner Mourdock: —then it's a possibility.

Brad Ellsworth: They are going to have to....as long as you have bail, if you ever let anybody out, you are going to have those things.

Commissioner Mosby: Well, it's not my intent to stall the project with the site, so.

Brad Ellsworth: I know that.

President Fanello: That's why we keep moving every week.

Brad Ellsworth: Like I said—

Commissioner Mosby: I'm in favor of sending the letter, and let's get a meeting right away, and if that's going to work, then let's start looking at some green fields or something. I mean, if they don't want to vacate Ninth.

Brad Ellsworth: We did go way over this morning. Now the numbers are back down, but we went 340's or 350's today.

Commissioner Mourdock: 342 is what Eric reported—

Brad Ellsworth: Yeah.

Commissioner Mourdock: —here at 6:00 p.m.

Brad Ellsworth: Right, so—

Kevin Winterheimer: Weekend arrests, I assume?

Brad Ellsworth: Yes.

Commissioner Mourdock: Going back—

Brad Ellsworth: We've got some days, a couple of days to get that down, but, you know, we are at that point where we kind of agreed to start moving prisoners if, at this point.

Commissioner Mosby: I was going to say, have you moved any?

Brad Ellsworth: Not yet, but I know we've talked to Kevin, and discussed that, and we're going to go under the assumption now that the agreement is in place, and start adhering to those rules that if we're getting up there, and can't get them out in those two days, we're going to start moving them out.

Commissioner Mosby: Okay.

Commissioner Mourdock: Going back to your statistics, Catherine, one thing, you know, you've all heard the one about the man who drowned in the stream with an average depth of 6". Looking at the years on the Blue Ribbon Committee, seeing the national statistics, the only statistic that I ever saw, and that I read about that seemed to be universally applicable is that when the economy goes bad, crime rate goes up.

President Fanello: Uh-huh.

Commissioner Mourdock: Other than that, and that one makes sense, obviously.

President Fanello: Uh-huh.

Commissioner Mourdock: But, other than that, all the other national things, I'm not sure you can apply any national statistic—

President Fanello: Uh-huh.

Commissioner Mourdock: —to what's happening here, unfortunately.

President Fanello: I just happened to see that one about, I know, I think it was in our newspaper about Indiana statistics going up. So, we can pass that along.

Commissioner Mourdock: I think we can certainly expect that the way the State Legislature is going, with the State Budget situation, the DOC is going to try to find more and more ways, and the State Legislature is going to try and find more and more ways to put people back in the local jails as they finish up their prison terms, and those kind of things.

President Fanello: Uh-huh.

Commissioner Mourdock: So, I see that affecting our population also.

President Fanello: You're very correct.

<b>Consent Items</b>
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President Fanello: Consent Items. I had a couple of questions. The contract with Xerox, Kevin, did you have a chance to review that?

Kevin Winterheimer: No, I didn't. It was in my pile of things when I got back, and I didn't get that far in my pile.

President Fanello: Okay, I would like to pull that. Then I would like to ask Suzanne, I'm not sure I understand this memorandum of understanding, and I don't know if Kevin had an opportunity to look at that also.

Kevin Winterheimer: No.

President Fanello: Okay.

Suzanne Crouch: As I understand it's, or as it was explained to me, it's us agreeing to abide by the same type of Internet policy that the county currently has in place that ACS has us sign. That is that we use the Internet, as it is on GIS, only for work related projects, specifically that deal with GIS, and that we do not use that Internet to access other sites.

President Fanello: Do you just mind if Kevin takes a look at that?

Suzanne Crouch: No.

President Fanello: Because he just got back from vacation.

Suzanne Crouch: No.

President Fanello: We can put it back on for next week.

Suzanne Crouch: Sure.

President Fanello: Okay. So, if we could pull those two things.

Commissioner Mosby: Motion to pull memorandum of understanding on computer network Internet.

Commissioner Mourdock: And the Xerox.

Commissioner Mosby: And the Xerox, yes.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adopt Consent Items.

Commissioner Mourdock: Just with one question, you did get to look at the Markham contract, Kevin?

Kevin Winterheimer: Well, actually, I wrote the original, and I didn't know, I gave them the disk. Did they change it any? I haven't seen the last draft.

Commissioner Mourdock: The last draft, I guess, is the last draft in the packet.

President Fanello: Is the one..yeah.

Commissioner Mourdock: It is certainly a much more professional looking document than the one we had before.

Kevin Winterheimer: I wrote the original, and I gave it to Z., and I said here, because that was the day before I left for vacation. I said if you guys need to change it, to do it. Let me look through it real quick here.

President Fanello: I'm not under the impression that she changed anything, but—

Kevin Winterheimer: If she didn't change it, then I wrote it.

President Fanello:—I don't know that. I never did see the original, so.

Commissioner Mourdock: But you're willing to stand by it.

Kevin Winterheimer: Yeah, it looks like the one I wrote.

Commissioner Mourdock: In that case, I'll second the motion of approval for the Consents.

Madelyn Grayson: Do you have the original, Kevin? Because I don't see it in the signature file.

Commissioner Mosby: I did make that motion as amended with the requests being pulled.

President Fanello: Okay. So, I have a motion and a second. So ordered. And, Madelyn, I have the original on my desk.

Madelyn Grayson: Great.

President Fanello: Motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: Okay.

The meeting was adjourned at 7:14 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Recorder	The Centre	Burdette Park
County Clerk	Center Assessor	Voters Registration
Health Department		

**Requests for Service:** Superior Court

**Travel Requests:**

Prosecutor	Health Department	Treasurer
German Assessor	County Highway	

**County Clerk:** Submit monthly report for April.

**Auditor:**

Certificate of Annual Financial Disclosure.  
Financial, Cash and Expenditure Report.  
Accounts Payable Vouchers.

**Treasurer:**

Markham Security Specialists Contract.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Betty Knight-Smith	John Stoll
Peggy Braun	Ben Kunkel	Larry Kremer
Harold Gourley	Frederick Castle	Tom Hare
Reggie Haskins	Steve Craig	Mike Wathen
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and Transcribed by Madelyn Grayson.**

**Vanderburgh County  
Board of Commissioners  
June 17, 2002**

The Vanderburgh County Board of Commissioners met in session this 17<sup>th</sup> day of June, 2002 at 5:31p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting for June 17<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows; to my right would be Tammy McKinney, our Superintendent. She is absent at the moment. County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of June 17, 2002 Executive Session Summary Minutes**

President Fanello: Do I have approval of the Executive Session summary minutes?

Commissioner Mourdock: I would move approval of tonight's summary minutes. The meeting began at 5:00, ended at 5:25. Present were the County Attorney, the three Commissioners, and the County Auditor. The sum total of the meeting dealt with pending litigation.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Second.

**Opening of RFP's for Construction Inspection Services:  
O'Day Discovery Lodge**

President Fanello: First item is opening of RFP's for construction inspection services.

Kevin Winternheimer: Is that all there is? Are there any RFP's or bids from the audience? Seeing none.

Commissioner Mourdock: I'll move approval of the opening of the RFP's for construction inspection services.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: The first one is from Professional Consultants, Inc. of Evansville. Is there to be a price I would look for?

President Fanello: I'm assuming there should be.

Commissioner Mosby: Yeah, there should be a price.

Kevin Winternheimer: Okay. Here we go, I think this is it. It says part time average of 16 hours per week for a 40 week duration for a lump sum price of \$47,360. It says full time \$74 an hour for 40 hours per week for desired duration. That was Professional Consultants, Inc. I forgot my knife.

Commissioner Mosby: (Inaudible. Mike not on.) I always carry one.

Kevin Winternheimer: The next set of proposals is from Andy Easley Engineering, Inc. of Evansville. Let me find a total. He states in a letter, it says our fee for the work requested will be \$45 per hour, and I expect it may require an average of four hours a day. The first few weeks of the project may require more hours of inspection. Then he has listed different engineers and technicians prices, ranging from \$80 an hour down to for a Civil Engineering Technician \$30 per hour, and a Civil Engineer Technician II of \$20 per hour, and various prices in between. I don't see a lump sum price here, looking at it real quickly. Nope, more copies. The next set is from Morley and Associates of Evansville. Okay. Real quickly, it says our cost for the part time inspection is \$44,000. If you desire we provide full time inspection, our cost at 40 hours per week is \$120,000. The next is a letter from Biagi Chance Cummins London Titzer, Inc. of Evansville. It is a no bid, but they ask for your consideration on future projects. The next set is from Intel of Evansville, Inc. Okay. It says on part time inspection, it says we propose to complete the work as noted above for a lump sum fee of \$21,000. For full time inspection it says, we propose to complete the work as noted above, with a full time, on-site inspector for a lump sum fee of \$57,000. That was Intel. We have one more. This is from Mills Wallace and Associates, Inc. Architects and Engineers from Evansville. It says part time inspection observation, lump sum of \$38,000. Full time inspection observation, lump sum of \$76,000. That's all I have.

Commissioner Mourdock: I'll move we take the RFP's under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

<p style="text-align: center;"><b>Leasing of Space in County Recorder's Office to Private Abstractor Companies</b></p>
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President Fanello: The next item we have is discussion of the leased space in the Recorder's Office, and Betty Knight-Smith. I know there are probably people really wanting to speak. I believe there is a sign up sheet going around. Where is that? Okay. Is everyone finished filling it out yet? Okay.

Unidentified: This is an attendance roster that I have.

President Fanello: Okay, so, that's the sign up sheet right, Madelyn?

Madelyn Grayson: That was an attendance sheet.

President Fanello: Okay. How many people are wanting to speak to the Recorder's office issue? Okay. Why don't we just go ahead and take the first one here...whoever wants to come on first.

Donald Fuchs: Good evening. My name is Donald Fuchs. I am the Vice President of Southwestern Indiana Land Title. I am also an attorney that has practiced in this community for the past 22 years. Southwestern Indiana Land Title is a full service abstract and title company which is located at 605 Southeast Martin Luther King Jr. Boulevard here in Evansville. Southwestern has a staff of 13 full time employees, and three part time employees. Southwestern Land Title is one of the five abstract and title companies who currently sub-lease space within the Vanderburgh County Recorder's office from the Vanderburgh County Board of Commissioners. The Vanderburgh County Recorder has requested that the existing leases of the abstract and title companies not be renewed. Ms. Knight has indicated that she needs the space in order to store the marriage records, which I understand to be the responsibility of the Vanderburgh County Clerk. In making this decision you must weigh the competing interests of the Vanderburgh County Recorder, as well as the abstract and title companies. Your guiding principle in this matter, as in all issues that are brought before you, is what is in the best interest of the residents and taxpayers of Vanderburgh County. Let me provide you some facts, which I believe will be essential to your decision in this matter. First, what services do abstract and title companies perform? Simply stated, abstractors search the records of the Recorder's office, as well as other county offices. We analyze, we interpret, we assemble that information, and we put it in a meaningful and comprehensive sequence. The final work product may be in the form of an abstract, an abstract extension, a title report, or a title insurance policy. Who are the customers of an abstract and title companies? And who do they serve? At Southwestern Indiana Land Title, the largest demand for our services comes from the banking institutions and credit unions who are located within our community. These banking institutions and credit unions rely upon our company, as well as our competitors, to search the title to the parcel of real estate, to determine the status of ownership, as well as the liens, encumbrances and other matters of record affecting the real estate. This information is essential to banks and credit unions in their loan approval process. In our business time is of the essence. In fact, we are ever called upon as time passes to provide our services to our client in a prompt and ever decreasing amount of time. If you've ever been involved in a loan process with a financial institution, you well know that title companies and abstract companies provide an integral part of this process. There is no final loan approval, no loan documents are prepared, and no mortgage loan transaction is closed until the title company performs it's services and provides that to the financial institution or credit union. Abstract and title companies also provide title services for cash real estate transactions for the benefit of the buyer and the seller of the subject real estate. We also provide title services for real estate developers and other parties who must know the status of title prior to entering into contractual obligations relating to the parcel of real estate. My investigation is that abstractors have been renting space within the Vanderburgh County Recorder's office on a continuous basis since 1969. When Ms. Knight took her office as Recorder there was an increasing demand by abstract and title companies to lease space within her office. At that time that she took office there were two title companies that were currently leasing space. That being Evansville Titles and Hoosier Abstract Corporation. Hoosier Abstract Corporation expressed a desire that it no longer needed the space, and indicated that it was possibly going out of business. At that time, under Ms. Knight's suggestion, the current space, or

the space that was currently, excuse me, leased by Hoosier Abstract Corporation and Evansville Titles was subdivided into four separate spaces. Those spaces then were leased out, approximately a year ago, July of last year, to five different abstract companies. Two companies sharing the space in one unit. The lease, the space that is leased by abstract and title companies is in the room immediately to the right of the main offices of the Vanderburgh County Recorder. Each unit has the same amount of space. The dimensions are 9' by 12', and consist of 108 square feet. The annual rent is \$1,800 per year, and that amount is paid in advance at the beginning of the year, and that equates to \$16.67 per square foot. I also want to bring to your attention that at the time that the lease was subdivided into the four spaces that currently serves the needs of the five title companies who enjoy that space, the cost to renovate that space was paid by the title companies. That was the cost, if my figures are, if I remember correctly, was a little less than \$1,000 per tenant. So, it was less than \$4,000 for the total space. The space that is currently leased by Southwestern Land Title is utilized by two full time employees, who I estimate spend approximately 95% of their day within the Recorder's office. Also this space is utilized by other of our employees who utilize the records of the Recorder's office on a daily basis. Within our leased space we have two work tables, two chairs, and a microfilm viewing, copying machine. The leased space, excuse me, the space we lease benefits not only the title and abstract companies, but I also feel it benefits the efficient operation of the Vanderburgh County Recorder's office. Although the general public utilizes the records available in the Recorder's office, the greater percentage of the individuals you will find in the Recorder's office, outside of the Vanderburgh County Recorder's employees, are the employees of the abstract and title companies. In a February 26, 2000 article in our local newspaper, two term Vanderburgh County Recorder, Bob Steele, is quoted as saying, "90% of the business of the Recorder's office is done by abstractors." This leased space is essential to us in providing our services in a timely and cost efficient manner. We must have work area to lay out our files that contain private and confidential information. We must have work area to view the records, and make our written reports. Please understand that if our lease is not renewed, and it is terminated, the same, if not more, employees of our company will be required to be in the Recorder's office on a daily basis, in order to do the same services that we are doing today. That is, we feel that our efficiency is going to be decreased. I well acknowledge that space is a premium. I know before you you have the issue, this issue of space. That's been a hot issue in the judicial corridor. So, I understand that space is a premium. What I don't understand is the basis of this request. Why is it that the Vanderburgh County Clerk is requesting to store records, which are her responsibility in the Vanderburgh County Recorder's office? You know, Kevin, I pose that to you as a legal question. Why is it that we have the Vanderburgh County Recorder here asking to store records which are not her responsibility? Why must the efficient operation of the Recorder's office be sacrificed and disturbed to store marriage records? Which I understand are currently in the basement of the Willard Library. Why is the storage of these records the responsibility of the Vanderburgh, not the responsibility of the Vanderburgh County Clerk? Why is it that the Vanderburgh County Recorder is before you asking for these records to be stored within her space? Let me touch upon what may be a possible solution. Across the hall from the Vanderburgh County Recorder's office is the Voters Registration. It's my understanding that that space is utilized only certain months out of the year. It's also my understanding that there is space available in there that could be utilized to store documents. Store such documents as they've indicated as the marriage records. The point I'm trying to get across is, is that this may, this whole issue may have come about in a hurried fashion. It's my understanding Ms. Knight was before you a week or two ago, we are now here after, I think, there's been little

consideration of what space would be available. Now there is this effort to oust the abstractors from your office. In conclusion, what I would suggest to you is that this issue be tabled. That you have an opportunity to look at other space, and that you look, and, please, determine and take hold of the needs of the abstractors and title companies. You know, as I stated when I started my remarks, is that your guiding principle is what should be in the best interest of the taxpayers of Vanderburgh County? I have before you, at our request, the title companies, we have asked for the people that we serve to be here, so that they can show support for our cause. I have here with us this evening on behalf of Old National Bank is Mark Wezet and Burt King. At 5/3 I have Chris Rutledge and Scarlet Fields. Here on behalf of Warrick Federal Credit Union, Max Jones. Here on behalf of Evansville Teachers Federal Credit Union, Ashley Kimmel. Here on behalf of Talon Mortgage, Jake Hicks. Also I have two realtors that are quite well known in this community, Bill Kattmann and Carolyn Egan. Also we have representatives here from the other competing title companies, Evansville Titles, Century Title, which is represented by Jeff Bosse, and we also have attorney Paul Black, who is here on behalf of his law firm, Bowers Harrison. Thank you for your consideration.

President Fanello: Thank you. Paul.

Paul Black: I don't have prepared remarks. I just got back from a (Inaudible) reunion, so you'll have to forgive me. I want to echo most of what Mr. Fuchs said. He made a couple of errors. We have also had, we being Bowers Harrison as a law firm in Evansville, and I also have been practicing here since 1974. We've also had a lease with the Commissioners, independently, I think that lease dates back to the mid 80's. It was not through the Recorder's office, it was actually with the Vanderburgh County Commissioners, but it wasn't for any dedicated space. It was simply that we felt it was appropriate to put back some money for some people that were going to be spending some time there on a permanent basis. I'm in a quandary. The meeting that we had with the Recorder less than a year ago was, I thought, a very well thought out solution to take some chaos and put order into it. It was, rather than having everybody, whether you had a lease or not, or were paying money to Commissioners or not, that set up some order so that these sub-lease agreements, which all of us have signed, and all of us have pre-paid our monthly rental for....now you're not going to retire the public debt on the \$5,000 or \$6,000 a year that you are gaining in rentals. Yes, there are not many Recorder's offices that do rent space out. You know why? The people are in there for free. My question is what happened between July of last year and now, after these spaces have been built for the first time since 1968, that made it necessary to make this request? Is it because we are going to have a stampede of people in the general office that want to see what their marriage licenses are? I want to make one suggestion to you without a particular remedy, and I think it's the Election Office that is across the board, across the street, as opposed to the Voter Registration. At least it was when I worked there. The order that was brought by this is going to be taken away, without regard to the money, you don't need the money. We're happy to pay it, but we're going to be there. We have to be. We have to service the public. We are the public. We're the people who are making sure that you can buy the house, and get the loan, and that the bank can service the loan, and that the title company can insure the loan, so that you can buy the house. That's the public that you're serving, and that's the same public that's being served here. If you want to remove the order, and restore the chaos, that's your job. You have the authority to do that tonight, but that's what you're doing. If you decide to do that without further thought and without further investigation, then, uh, how do I say this diplomatically?

Commissioner Mourdock: That hasn't bothered you so far.

Paul Black: You know, Richard, you get to a certain age where you don't care.

Commissioner Mourdock: I can relate.

Paul Black: I understand. Please give it that careful consideration. We're going to be there under any circumstance. Right now, it's an ordered situation, which we were very proud of the meeting that we had with the Recorder. Very proud of the results that came out of it. Very proud of the fact that, yeah, it was at our expense, but, by golly, it sure added a lot of order to it. I think added order to the Recorder's office, because people aren't spread all over the place, as they will be if this lease arrangement is not reassigned. Thanks.

President Fanello: Thank you, Paul. Is there anyone else wishing to speak to this matter?

Jeff Bosse: Thank you. My name is Jeff Bosse. Excuse me, and I'm a part owner of Century Title Corporation. I would just like to say that this whole issue must have come up in a sort of a spur of the moment, and this may not have been the best thought out proposal. First of all, I'm not even sure that putting the marriage, we're talking about old marriage records, as I understand it. The old marriage records in the Recorder's office is even the best idea. Right now they are over at Willard Library which is where the genealogy center of this county is, and I would suspect, they are much easier, and they are used more often for genealogy than for any other purpose. I think it might be better to leave them there. There is no question that Vanderburgh County, and the Clerk's office in particular, has a great storage problem. It seems to me, it might make more sense to bring judgement books, or something of that nature to the Recorder's office, which would, certainly, be more utilized. Secondly, while the amount of money is very small, it's, obviously, a money loser to give up the money that you receive from the leases for the very little money, and I don't even know who receives that money, that you are going to receive from copying records for marriages. Thirdly, we entered into leases in good faith, and we knew that one day there would be an overflow of records to record in the Recorder's office, and eventually we would have to give up those leases. We all spent, five of us, spent significant amounts on lease hold improvements, about 40% of what an annual rental would have been, and we thought it was going to be with the idea that we would, basically, keep that space until it was really needed. Finally, and I think far most important is, who is affected by this transaction? As I think Don and Paul have done a good job of explaining, you're not negatively impacting five titling companies. You're not negatively impacting five for profit organizations. You're having a very negative impact on the real estate process in Vanderburgh County. It's basically going to raise our costs. It's going to make us more inefficient, but our costs will be passed on to buyers and sellers of real estate. Our inefficiencies will be passed on to the financial institutions, to the realtors, the buyers and sellers. You have no idea unless you're actively involved in this business how important time is. I did a very brief survey, and last month 18% of the orders that we received were marked rush, or rush rush, or rush rush rush, or super rush. We've never figured out which was more important, a super rush, or a rush rush rush, but this is going to have a negative impact and hurt anyone in Vanderburgh County who owns a house. Anyone in Vanderburgh County who wants to sell a house. Anyone in Vanderburgh County who wants to buy a house. Anyone in Vanderburgh County who wants to refinance a house, because it's the title companies touch every single real estate transaction in the county, or 98% of them. It's going to have a very negative impact

on the mortgage lenders in this community. The banks, the savings banks, the credit unions, several of which are here today. You can imagine what it's going to be like for them when they are told they need to close something by Friday, and the title companies say we can't get you the work by that time. You can understand the difficulties that the banks are going to have when they give a good faith estimate of the costs of a certain project to their lender and they say the recording fee, the title process is going to cost so much, and then it's necessary for us to go to the additional time and expense, and, of course, you've recently, or the county has recently imposed a \$1 copy charge to make the whole title process more expensive. What this is going to do is it's going to hurt every financial institution that loans money for mortgages. It's going to hurt every single realtor in this community, because they are not going to be able to get their transactions closed in the requisite amount of time that the buyers and sellers need. As the Oldsmobile ads used to say, this is not your father's Oldsmobile, this is not your father's real estate mortgage anymore, mortgage industry anymore. It has changed vastly. I'd like to suggest that it would be better to keep the real estate market active and alive in this community. To not hurt all of these people by doing this. I would suggest that this proposed change not be approved, or at the very least, that the, it be tabled and considered at a later time. The County Clerk definitely needs more space, and perhaps it would better to consider this as part of an overall solution to the County Clerk's process. I thank you very much.

President Fanello: Thank you. Is there anyone else wishing to speak?

Marsha Abell: I'm Marsha Abell, the County Clerk, and I can probably clear up a few of those points. First of all, I don't have any records at Willard Library. Of any sort. All of my records are stored at a warehouse which is over on the west side of Evansville, near the Humane Society, Kinder Moving and Storage. Someone made the comment was there going to be a big rush on marriage licenses, and Ms. Fanello, I think you know what kind of a rush there is on marriage licenses, I brought them in your office and showed them to you.

President Fanello: I can actually attest to that.

Marsha Abell: We have over 500 right now. I got a call from a gentleman in California, he requested his over 30 days ago, there is no possible way we can keep running back to that warehouse to get those books, bring them in here, make a copy of their marriage license, send it to them, and then take it back to the warehouse, and get the courts work done. We haven't got that kind of staff. I was showing Sandie Deig...the way all this probably started, I was showing Sandie Deig the microfilm that we took from Willard Library and had copied, and it's virtually of no use whatsoever, because, and I think you may have seen it, it had someone's hand all the way across every marriage license that they copied. I don't know what they thought the film was copying, but it copied the top of their hand and not the marriage license. So, all the microfilm that is available is of no use at all. Phoenix Imaging tried to image some of the older film that you could read the copy of, but all of the film was so old and bristly, it broke apart, and they were not able to copy it. So, consequently, the only way that we can make copies of marriage licenses is to have the actual book here, or somewhere. It's either, it's either a matter of writing to the open door lady up there in Indianapolis and telling her we are not going to abide by the law, and not going to provide the marriage license to these genealogists, or get them over here somewhere where I can store them. Now, I did bring them over here, at one point, and put them in the Election Office, as has been recommended here, but this body, although there were different people sitting here, sent me a

letter, which I still have a copy of, ordering me to get them out, and gave me about a week to do it in. I moved them, because you didn't want anything stored in the Election Office but election equipment. Consequently, that's all that's over there now. I even, at one time, proposed that that be made a public information room, and have computers in there where they could access both the Clerk's records, the Auditor's records, and the Treasurer's records, and that was also turned down by this body. So, I want everyone to understand Marsha Abell is not here trying to run people out of some office. I have no space at all. Those same people that work in the Recorder's office also camp out in my office all day long, and I have attorneys that can't even get in and get on the computers to pull up their dockets to see if they are supposed to be in court or not. We are hemmed in so tightly. I have no other room available. I have nowhere to put those marriage books. If I brought them over here, I would have to put them in the hallway. When I was in Sandie Deig's office and showing her that film, and wanted her to show it to the Council was when Ms. Knight said, you know, why don't you just bring it on over there. It's not a court record. This does not have to be under my definite control, like the judgement records and the other court records do, because it is not a court record. We could easily set them over there, and people could go over there and make their copy, and the genealogists could come and go as they wish. I don't know what the answer is, but I do know that I don't have any room for those. This building is to capacity with people that work for the county. It is a county building. It is paid for by taxpayer dollars, and I think that taxpayer business is what should basically be done here. It's your decision to make, but I just want you to be aware of why Betty Knight-Smith and I were even together on this thing is because I have nowhere to put this information, and I have way too many requests that we can't make.

President Fanello: Thank you, Ms. Abell. Is there anyone else wishing to speak to this matter? Do I have comments from either one of the Commissioners?

Commissioner Mourdock: I guess the question, Marsha, coming back to your point about when the records were in the Elections office, my memory may be a little foggy, but at the time, was part of the discussion not just the risk we felt might be present in having people walking in? There was too much information, publicly, there in one room, that we were concerned about the integrity of the election process as well? I'm trying to think back.

Marsha Abell: Yeah, the election code is specific about some of the stuff that has to be under lock and key, and that's why we didn't want the general public—

Commissioner Mourdock: Okay.

Marsha Abell: —or anyone else to have access. In fact, that, the room is locked with a Democrat key and a Republican key, and that would eliminate some of the security.

Commissioner Mourdock: Okay, but the information that is there now is still under some form of lock and key?

Marsha Abell: It's under lock and key with the Democrats having a key, and the Republicans having a key.

Commissioner Mourdock: And if, when the marriage records were in there before, that same area was under lock and key? Or was it not?

Marsha Abell: Well, we opened the front section up and were going to use it, but that never happened.

Commissioner Mourdock: Okay.

Marsha Abell: We took them back before we ever got around to that procedure.

Commissioner Mourdock: Alright. The other question I have, and I don't know who this one is necessarily addressed to, I guess, Betty Knight, or someone from your staff, or gentleman, one of you. How many different abstracting companies typically work through the office?

Betty Knight-Smith: There is probably 10, 15 different ones.

President Fanello: Betty, can you come up to the microphone please?

Commissioner Mourdock: Yeah.

Betty Knight-Smith: There is probably 10 to 15 at different times in there.

Commissioner Mourdock: How routinely do you see companies beyond the, what, four or five that were mentioned here tonight?

Betty Knight-Smith: Well, there's another table that there's a bunch of them sit, and then I put in, I've got nine public computers, they sit at that, so they're sitting all over the place.

Commissioner Mourdock: Okay. Okay.

Betty Knight-Smith: We're out of space.

President Fanello: Commissioner Mosby.

Commissioner Mosby: I think it all goes back to space allocation again. I really don't feel like I have the right to tell the County Clerk or County Recorder who she can and cannot lease her space to. I mean, it's her office. She's an elected official, and I'm going to respect that fact. When she tells me that she needs this space to run her office, I'm not going to try to supercede her in running her office. I have my own office to run, and I try to do the best I can at that. I know the County Clerk is out of space, and I understand that, and I'm not sure what the solution is. The one solution that, I guess, that came to my mind a while ago is the fact that we had talked about moving Voters Registration and the Election Office over to the Old Courthouse. If that so conveniently could happen at some point in time, it might be that we would look at the fact that we could put some of the abstractors over in Voters Registration. Keeping in mind the Health Department has been looking for space for several years. The courts have been looking for space for several years. I believe there is one conference room, if I'm not mistaken, next to the City Clerk's office, or next to EUTS. I know...is there a conference room next to EUTS?

Unidentified: There is.

Commissioner Mosby: I think we used to use it when I was on City Council, and we used to use it for budget hearings every once in a while, when we got kicked out of the Mayor's office. I say that jokingly, but we did, we used that, there's a room up

there. You know, I don't, maybe it's the fact that we just have to get with Mr. Rector, who is the new Building Authority Director now, and talk with him, and seeing if there is something available that we can work out in a crunch time here until we can, in some way maybe move Voters Registration and the Election Office over to the Old Courthouse, and come up with some space. I know it all goes back to space allocation. The one thing I will say is I am not going to try to run the Recorder's office for her. If she tells me that she needs the space, the space is leased to the Recorder, and she is an elected official.

President Fanello: Is there anything else you want to add? I, you know, we've been dealing with space issues over the past year, and the Health Department and the courts being a very top priority, and one of the reasons, you know, I made a decision not to let the Health Department move out of this building is because we did not have a long term plan for space allocation in this building, and I don't think it's financially prudent to let a county office move out of a building that the residents of the City of Evansville and Vanderburgh County have paid for over into a space that we don't own. So, I think it's important, you know, all this really does go back to space allocation, and we have to keep in mind that we have to stay on track and utilize this space as much as possible for our county offices. I have to echo the sentiment of the other Commissioner, you know, that Mrs. Smith is a County Recorder, she is an elected official, and I have to respect how she wants to run her office. I certainly wouldn't want another county official coming in and telling me, you know, how to be a Commissioner. So, I have to respect the fact that she does want to utilize her space, and it is her decision to utilize the space however she sees fit. So, maybe at some point in time when we look at reallocating the space within the Civic Center, we could possibly look at, you know, a space for the title companies and the abstractors. Right now we have to be cognizant of the fact that we have the Health Department to deal with, and the courts to deal with, and I did speak with Mr. Rector today and he is working....as we had our space allocation meeting a couple of weeks ago, he is working as diligently as possible to help us come up with a five year plan. I'm very excited about that, and very confident that we are going to come up with something for a space allocation plan. So, I guess, I just have to respect the decision of the County Recorder at this time.

Commissioner Mourdock: Okay, everything that has been said, by all of us, to this point, has been the ideological, the philosophical. Now let's deal with the practical. Of the several companies that are there, and correct me if I'm wrong, Kevin, but one of them has a lease that is valid until the end of July 2003. Or first of July. One of the two.

Kevin Winternheimer: That's correct. In the documents that were given to me, the leases, and they all read substantially the same, exactly the same, as a matter of fact. There was a provision that if you gave 90 days notice, 90 days prior to the July 31<sup>st</sup> termination date, that the lease would be extended for one year. I was given a copy of such notice by Southwestern, I forget their full name, but, the Southwestern organization. That letter, I don't have it in front of me, but I believe you have a copy, I believe was dated March 22<sup>nd</sup>.

Commissioner Mourdock: Correct.

Kevin Winternheimer: So, I would assume it was received shortly thereafter. So, that was outside of the 90 day limit. So, they would be able to extend their lease, or have extended it for one year, as you stated, until July 31, 2003. I am not aware, and have not been furnished with any other such notifications. Of the same token, the

lease provided that if the Commissioners were to terminate the lease, the Commissioners must give the title companies 90 days notice. I am not aware that that was done. The lease provides if that is not done, that the leases become month to month, which means that on a month to month lease you give 30 days notice. So, the earliest that we could get the other companies out, would be September 1<sup>st</sup>, as opposed to the termination date of August 1<sup>st</sup> or July 31<sup>st</sup>, however you want to say it. So, that's where we are based on the information that's been given to me.

Commissioner Mourdock: With that statement of the facts, and we did move, last year, to try to get all of these companies on, basically, the same basis, and we did that.

Kevin Winternheimer: Right.

Commissioner Mourdock: Now, though, one of them did respond to go ahead and execute the lease for the additional year. I'm hard pressed to say, okay, now we're going to have of the five principal companies, and I say that looking at the Yellow Pages, there are five abstracting companies with Evansville addresses, and that's not to say that others with other addresses don't work out of the abstractors offices, but there are five abstracting companies out of Evansville. The five of them are working there. I'm hard pressed, at this point, to say, okay, now we'll give one a competitive advantage by leaving them in there, and go ahead and moving forward to drop the others, given we don't have, to use your term, Catherine, you know, the full plan in place. It seems to me the most prudent solution that is equitable in the best way to all parties, is, as David was saying, to try to get something going, to get the Elections office down to the Old Courthouse, do that, so that, if again, a year from now, when these leases would be otherwise coming up, that then everything could be handled in one measured fashion, equally, with all the entities involved.

Commissioner Mosby: I have one question. Who received this lease or notification?

Kevin Winternheimer: That I don't know.

Commissioner Mosby: I mean, I talked to the Recorder and she said she didn't receive it.

Commissioner Mourdock: It came to the Commissioners. It was dated March 22<sup>nd</sup>, mailed to the Vanderburgh County Board of Commissioners, and someone here sent it, or signed for it. It's sent by a certified mail, return receipt requested. I don't know how many of those come in a week where we have someone sign for them, but I suspect that's what happened.

Kevin Winternheimer: I don't think—

Commissioner Mourdock: (Inaudible. Talking over each other.) happen really.

Kevin Winternheimer: —Mr. Fuchs has that information on who signed for it. I don't have any green ticket.

President Fanello: I've never seen the letter before, and I—

Commissioner Mosby: I had not seen anything either.

President Fanello: —and I don't believe you have either.

Commissioner Mourdock: No, I haven't.

Commissioner Mosby: Mrs. Smith asked me, and I told her that I didn't see nothing. So, that's why I was curious as to who it was sent to, and who signed for it.

President Fanello: I guess, I have a question for Commissioner Mourdock. If you could just hold on a second, I have a question for Commissioner Mourdock on...you said to let the other companies go ahead and stay the additional year. How can, I don't know how we can sign a contract when we haven't been presented a contract from the office holder. I mean, that's like we're forcing the office holder to—

Commissioner Mourdock: No, no. We go back to the lease. The lease that is in place, that is executed, the three, or four or five leases, were executed by this body.

President Fanello: Yes.

Commissioner Mourdock: In that sense, all contracts on behalf of the county are executed by the Commissioners.

President Fanello: Yes, they are, but they were presented at some point in time by the County Recorder. I know we didn't go out—

Commissioner Mourdock: That's true, but—

President Fanello: —and solicit people to rent space in the Civic Center.

Commissioner Mourdock: That's true. At some point over the last 18 months, I don't recall the dates, but we had contracts that came before us that we acted on relative to—

President Fanello: Presented by the County Recorder.

Commissioner Mourdock: But they were...I'm not sure (Inaudible. Talking over each other.)

President Fanello: All contracts are given to us to sign, but they are either presented by, for example, the County Clerk presents a contract at some point in time, the County Recorder. I have a real uncomfortable feeling that we're telling another elected official what he or she can't do with her office.

Commissioner Mourdock: Well, that I think is the reality, when it comes to the space. I mean, we can't tell them how to run their office, and, you know, put the desk here, put the desk there, and you do this before noon, and you do this after noon, but when it comes to this space issue, clearly, that comes under our auspice.

President Fanello: I agree, but the County Recorder, as I've heard from other county elected officials, they each feel like they have the right to run their office in the manner, you know, that they feel is most efficient.

Commissioner Mourdock: Even if I were to totally agree with you in the theory of that, the reality is we have the contracts in place that, pretty well, have set us in course here with the other....we have one that is committed to July 31, 2003, and we have three or four others—

President Fanello: That do expire though at—

Commissioner Mourdock: Well, they are on a month—

President Fanello: —they would go on a month to month basis.

Commissioner Mourdock: —they are on a month to month basis.

President Fanello: Yes.

Commissioner Mourdock: Clearly, this board has the option of saying, okay, we're going to give notice, and all the other three or four have to be out by September 1<sup>st</sup>. That is our option.

President Fanello: I guess, my whole point is aren't we supposed to take into consideration what the elected official of that office would or would not like to do?

Commissioner Mourdock: Yes, and we've already done that. I mean, the water on that one has already gone under the bridge, relative to the contracts.

President Fanello: I don't agree with you.

Commissioner Mourdock: Well, ask Kevin, because it's the contracts (Inaudible. Talking over each other.)

President Fanello: I know, but what I'm saying is the contracts are expiring, and she is choosing not to present those to the board for (Inaudible).

Commissioner Mourdock: And I understand, and that is the right of this board. I mean, we can say, yes, we're going to let those, we can vote to say we're going to terminate those on the nearest possible date based on the month to month clause, or we can do something different. I mean, that is our choice, regardless of whether it was the Recorder or the Clerk sitting here with this situation. I mean, it's no different than the situation with the Clerk space over at the Kinder building, or with Kinder Storage. I mean, that contract had to come through here, and it was based on dealing with the Clerk to see how that space would be handled.

President Fanello: But I wouldn't force the County Clerk to sign a contract, or for us to sign a, wouldn't force her to go to a place that she didn't want to go to for storage. If she didn't bring a contract to me, I wouldn't say you—

Commissioner Mourdock: I understand. We're talking about philosophies here, and, obviously, the board has to decide. It seems to me we have two philosophies that we need to look at. Number one, the one you are raising, which is a justifiable question, you know, how much do we want to work with an office holder to do that, and that's clearly something we have to decide here. The second is, within the business environment, that rightly or wrongly has been created by the contracts that have been in place, do we want to put one company at a greater advantage than the others? I don't like either of the alternatives on either of the questions, to be honest with you, but that's where we are.

President Fanello: I mean, I agree with you. That's where we are. Is there any additional? Okay.

Commissioner Mourdock: I'm sorry, David, what?

Commissioner Mosby: No, I said I had a question on the floor awhile ago, and he hasn't given us an answer.

President Fanello: Oh, I'm sorry, Mr. Fuchs.

Donald Fuchs: Don Fuchs, on behalf of Southwestern Land Title, and the sub-lease agreement that was entered into between the Board of Commissioners of Vanderburgh County and Southwestern, which I have a copy of, and, Kevin, I've given you a copy of that. There is a notice provision, paragraph 19, it says;

Any notice required or permitted under this lease shall be deemed sufficiently given or served if sent by certified mail to the respective addresses as set forth below. To lessor: Vanderburgh County Board of Commissioners, Room 305, Civic Center Complex, 1 Northwest Martin Luther King, Jr. Boulevard, Evansville, Indiana.

I have a letter, which I have provided a copy of this to Mr. Winternheimer, dated March 22<sup>nd</sup>, where in accordance with that paragraph of that lease we notified the county of our election to term, or to extend our term of our lease. We sent our check for that amount. That amount was deposited by the Vanderburgh County. We find our lease has been effectively renewed.

President Fanello: We are in no dispute about that.

Commissioner Mourdock: Right. Coming back to your earlier point, Catherine, I'm not sure we are really in disagreement. The disagreement is simply the matter of time. Do we start vacating that space presently, or as I commented a moment ago, do we treat these companies equitably, not giving one a competitive advantage over the other, so that a year down the road everybody knows what date is coming for them, and at that point, we are ready to do something in the Old Courthouse. I mean, I'm trying to work with the Recorder here too.

President Fanello: Oh, I understand.

Commissioner Mosby: My question is to Kevin. I don't sign the lease with these people. This is Ms. Smith's office. If Ms. Smith does not bring me a contract to sign with these people, then what is there for me to sign?

Kevin Winternheimer: Actually, there is nothing for you to sign at this point. The lease that we are under discussion was the one, were the one's that were previously signed, and they had these automatic roll over provisions, and these notice provisions. So, it's a question of do you want, at what point do you want to terminate? Do you want to terminate at the earliest possible legal moment, depending on the particular facts? As Mr. Mourdock says, one gave notice of extension, the others have not. Or do you want to continue it for some period after that? That's the question.

Commissioner Mosby: I guess, my question is, we know the leases are on a month to month basis right now—

Kevin Winternheimer: Starting July 31<sup>st</sup>.

Commissioner Mosby: Starting July 31<sup>st</sup>, they are on a month to month basis, and if an elected official of that office, who controls that space has elected not to renew the lease.

Kevin Winternheimer: Technically, she's recommending that you not renew the lease.

Commissioner Mourdock: Right.

Kevin Winternheimer: Because they are your leases that the Commissioners signed. That was her recommendation, that she wants to terminate the leases as soon as they can.

Commissioner Mosby: Okay, but the recommendation that she's brought to us is not to renew it.

Kevin Winternheimer: That's correct.

Commissioner Mosby: And so that's what we're facing. I mean, and it would be the same as me telling the County Clerk move over, make 400 square feet available, because I'm moving somebody in.

Marsha Abell: Yeah, find it.

Commissioner Mourdock: Well, I'm just...no, I'm just saying that's what I see this as being.

Commissioner Mourdock: Yeah, and I understand the question, David. Again, we go from that question to the second question, which is, if we are all saying that the Recorder needs that space for whatever reason, and it hasn't even been mentioned here yet how they've got file cabinets in front of windows, and stuff stacked on top of file cabinets, and all those other things. I'm not disagreeing with you, but I'm saying as a practical matter, do we give one company a competitive advantage for a year, by being set up there? Or do we try to treat them all equally on the basis of the facts being that we know, with absolute certainty, one of those companies will be there until the end of July next year, and hope that during this coming year, we put the things in process, and in progress, so that we can have space for the Election Office, over in the Old Courthouse, and otherwise solve the problem that's present.

Commissioner Mosby: I'm all for trying to work out getting the Election Office and Voters Registration over to the Old Courthouse as quick as possible. If Ms. Smith and the abstractors can work this out in the meantime to some agreement, that would please me, and then we could work on getting Voters Registration. I mean—

President Fanello: Are you saying you would like to table it for a week?

Commissioner Mosby: I would like to ask Ms. Smith if there is any way we could work this out until we can find out how long it will take us, and, you know, with the help of the Clerk, how long would it take us to get Voters Registration and the Election—

Marsha Abell: I don't know about Voters Registration, but I can get the Election Office out of there in about a week.

President Fanello: Well, there's your answer.

Commissioner Mosby: Thank you for being direct and to the point.

Betty Knight-Smith: Kevin is saying that he got a letter from Southwestern Title Company—

Commissioner Mourdock: No. That's not accurate. The Commissioners office got a letter.

President Fanello: The Commissioners.

Betty Knight-Smith: But—

President Fanello: We did receive a letter.

Betty Knight-Smith: —and they sent it by special delivery, and someone had to sign for it. Who signed for it if neither one of you all saw it?

President Fanello: Well, it either had to be the two people working, two of the staff people in our office.

Betty Knight-Smith: Okay.

Commissioner Mosby: I mean—

Betty Knight-Smith: I need the space. I can live with a year if they want to give him that. I can live with that, but I'll have the other spaces to work with.

Commissioner Mosby: Well, can you just—

Betty Knight-Smith: But I need the space, and you were down there this afternoon. You saw what I've got.

Commissioner Mourdock: I do see the problem. I don't deny the problem, and that's why I said that Catherine—

President Fanello: Yeah, I think Commissioner Mourdock's in agreement with you.

Commissioner Mosby: If you'll—

Commissioner Mourdock: It's just how we do it.

President Fanello: That's not the issue.

Commissioner Mosby: —just live with that, we'll see what it would take to get the Election Office over to the Old Courthouse. I mean, we have got a couple real nice rooms over there—

Betty Knight-Smith: I don't think you can do that (Inaudible. Static from microphones.) I don't think you can do that, because the Election Office has to be under security at all times. You can't put that over there unless you've got security in that building 24 hours a day. That's by the law. You cannot take it over there.

Commissioner Mosby: That's why I say you've got to give me time. I don't know this. I mean, I really don't. If that's the case, I mean, maybe we have a problem there.

Betty Knight-Smith: Yeah, you have a problem with sending the Election Office over there.

Commissioner Mosby: Okay.

Betty Knight-Smith: Okay.

President Fanello: So, what am I hearing?

Betty Knight-Smith: Kevin talked to me about the company that sent the letter, but the rest of them didn't send a letter. I'm wondering why they didn't bring it to me. I'm there everyday, and I never saw any letter, didn't know anything about it until Kevin showed me. If you have to give them a year because they sent the letter, I can live with that, if I have the other spaces, but I need the space, and I would like for you to vote on it. There's no need to delay it. Either vote yes or no.

Commissioner Mosby: I mean, Kevin showed, or told me earlier, and I asked him about it, that that's the way the past County Attorney wrote it, and all they had to do was send a notice to the Board of Commissioners.

President Fanello: So, how do we, I mean, Commissioner Mourdock raises a very valid point. How do we deal with the unfair competitive advantage that one office would have over the other, if we only let one office stay in there.

Commissioner Mourdock: I'll do this by way of a motion, and if it dies for a second, it dies for a second. I would move that we notify Southwestern Indiana Land Title that we acknowledge the validity of their lease until July 31, 2003, and send similar letters to the other title companies telling them it is our intention, under the terms of the present leases, to work on, effectively, a month to month basis with them until July 21<sup>st</sup>, or I'm sorry, July 31, 2003, at which point those spaces will no longer be available.

Commissioner Mosby: I have no problem with that, but before I second it—

Commissioner Mourdock: Okay.

Commissioner Mosby: —I haven't seconded yet, but before I do, because, I mean, I would like the fact, and, I guess, if we're working on a month to month basis, but it sounds to me like we're tying ourselves for one year. If we could in fact, and I don't know the laws, as I told Ms. Smith, if we could in fact, in some way, move Voters Registration, or I'm sorry the Election Office to the Old Courthouse, and make that available over there, I would like to see where there would be an agreement that we would move them over there instead of being in the Recorder's office.

Commissioner Mourdock: Yeah, I didn't want to complicate the motion with where they were going to go to next. I was going to save that for the second motion. I was just going to say, as far as the legality of those leases, let's get that issue squared away first. Where they might go from then on, obviously, we're not certain at this point. Hopefully, we could work with them, and maybe even include in that letter some text saying that we would hope that we would have that space available in the Elections office, or somewhere else. The first thing is to deal with the leases, I think.

Commissioner Mosby: I'll second your motion on the leases, but I'm afraid we're binding ourselves here.

President Fanello: Well, as long as we're on a month to month, I mean, what we just the need the companies to understand is—

Kevin Winternheimer: I'm sorry, I didn't mean to interrupt you, I was going to when you were done, but if I understand the motion correctly, if the motion passes, all the companies would be there until July 31<sup>st</sup> of 2003.

Commissioner Mourdock: That is the intent of the motion.

Kevin Winternheimer: So, we're not on a month to month, they would be there for, effectively, another year.

Commissioner Mourdock: That's right. We would go ahead and give them the month to month notice now, but also give them the language necessary under the terms of the present lease to say that it would expire, I mean, giving the notice now would cover us for 2003.

Kevin Winternheimer: That would be more than 90 days, but I want to make sure you understand what you are voting on. If you vote as the motion stands, they will there until July 31, 2003.

Commissioner Mourdock: Yes, that is the intent of the motion. Yes.

Kevin Winternheimer: And for all practical purposes, I believe the leases designate a specific area, and I believe they will stay in that area, if the motion stays as you made it. Other things may go across the hall, but not them. Unless you renegotiate that lease, but if the motion passes, there would be no motive for them to renegotiate that lease, because they will have the designated space for another year.

Commissioner Mosby: Could you put in your motion, and you can tell me if this is legal, in your motion that space or other available space? Other available space being the Election office, if we move it.

Commissioner Mourdock: I don't know how we would do that.

Kevin Winternheimer: Before you would do that, I would want to reduce it to writing and have an opportunity to discuss it, so that they would understand it and be willing to agree to what you are proposing. As I said, the motion as it stands, they would stay where they are at until July 31, 2003.

Commissioner Mosby: Can we table this for one week until we can see if it's possible to move the Election office, and where we can go? I mean, rather than sit here and make four or five motions. Is that agreeable with you all for us to table this for one week?

Unidentified: It's your call.

Commissioner Mourdock: Okay. I mean, if you want to do that, I'll withdraw the motion, and make the motion that we table it for one week with the understanding that next week we'll know where the Elections office may be relocated to.

Commissioner Mosby: May or may not. If, depends on the security issue. I will second that motion.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

Madelyn Grayson: Thank you.

**Marsha Abell: Discussion of Xerox Contract**

President Fanello: County Clerk, Marsha Abell, needs to be somewhere, and would like to just take a minute to go over a contract that she has on the agenda. So, I would ask permission from the Board to go ahead and let her speak.

Marsha Abell: It won't take but a second. I understand that there is some concern about the Xerox contract being a three year contract, and whether or not it would be appropriated by the County Council for the next two years. I feel very comfortable with the fact that the Council will also appropriate the lease expense for this copier because it makes money for them. They get more money off of the copy charge than what the lease payment cost. So, I would be the most surprised person in the entire world if they didn't renew a lease that brings them in several thousand dollars a month. That is all that I wanted to say about it.

President Fanello: Thank you, Marsha.

Commissioner Mourdock: Thanks, Marsha.

Kevin Winternheimer: Do you want me to comment?

President Fanello: Do you?

Kevin Winternheimer: I have reviewed the contract and I have no problem with the Xerox contract. There is that one provision where there was a non-appropriation clause, however, she cannot replace the equipment with any other equipment. So, she is back to I don't know what, pen and paper, rather than photocopiers. So, that was my concern and she stated her, she does not see how the Council would not appropriate that money because they make money. If they don't appropriate money, they will lose money on the deal, plain and simple. That was my only concern with the contract was the fact that if the Council doesn't appropriate the money to pay for it, she doesn't have any copiers, period. Or that copier anyway.

President Fanello: Alright. Any other questions on that issue?

Marsha Abell: Thank you.

President Fanello: Thank you, Ms. Abell. The next item we have is the discussion of Mt. Pleasant.

**Rose Zigenfus: EUTS Presentation on Mt. Pleasant Road Project**

President Fanello: Do we have any residents here from Mt. Pleasant?

Commissioner Mourdock: Did they get noticed?

President Fanello: They were notified, were they not? The residents?

Madelyn Grayson: There is one gentleman in the back.

President Fanello: Brad Sterchi. But, what about Mr. Kramer and Mr. Gourley.

Tammy McKinney: I was only supposed to contact him if Rose wasn't going to be able—

President Fanello: Okay. Well, I know that they wouldn't deliberately miss the meeting.

Commissioner Mosby: No, because they were looking too forward to it.

President Fanello: Yes. So, something has, some kind of miscommunication has happened. It might be prudent for us to table this for one week.

Commissioner Mourdock: Unless, Rose you want to give us the presentation?

President Fanello: Well, if I could interrupt, I don't think that would be, the whole point was to have the residents here to ask her questions also.

Commissioner Mourdock: I certainly thought that they were going to be here.

President Fanello: Oh, I would have imagined that they would have been in full force, so.

Commissioner Mourdock: So do you want a motion to table?

President Fanello: I think we need a motion to table.

Commissioner Mosby: Well, you have one gentleman sitting there.

President Fanello: I am going to go ahead and let him speak, but I think we need to carry over the discussion to next week.

Brad Sterchi: I am Brad Sterchi. I live in the Mt. Pleasant area, plus I developed Clear Creek Village Subdivision and Woodgate, which is nearby. If you postpone this a week I will be out of town. I guess I can have representation, or whatever, but I just come up here tonight, not for or against the design, but we have a road that I hope gets some attention done to it. My customers through my homebuilding business very frequently ask me if anything is ever going to be done with Mt. Pleasant Road. It is a very narrow with a lot of steep embankments and stuff on it, and we are certainly all looking forward to the project. You know, I would tend to believe that a lot more people would come up against than for, but there are a lot of people out there for this project.

President Fanello: Have you heard, personally, any complaints? I guess, are you familiar with the project?

Brad Sterchi: Yes, I am.

President Fanello: Okay, have you hear any complaints about making it into a three lane?

Brad Sterchi: I have not had complaints told to me, but, of course, I wouldn't be one that they would probably tell them to.

President Fanello: You never know.

Brad Sterchi: You know, I mean I have heard a lot of just positive comments on the road project whether it be a two lane, three lane or whatever. I mean, I don't really know the safety issues and stuff involved. I am sure that there are has been a lot of studying and stuff that has been done on that. But, we have a pretty narrow road and I travel the road an awful lot. I have equipment, we have a lot of semis, I know the railroad crossings are a real issue for us. A lot of our truckers have hit those and knocked the bottoms out of their truck. They have a hard time making turns because of the narrowness of Mt. Pleasant. The traffic is pretty fast for it being a narrow road. You know, I mean, I haven't paid that much attention to the details on the plans and all of that, but I know there is certainly a lot of people looking forward to it. The only reason that I came here tonight is because I heard it on the radio and I just wanted to come and tell you (Inaudible) for the project.

President Fanello: Thank you, Mr. Sterchi.

Commissioner Mourdock: I do have one question on this subject though. Eric, I got, I think it came from you, a statistics or a little break down of an accident report for that intersection of Mr. Pleasant and Old State. The numbers on there, would you consider those to be excessive one way or the other? Or is it very average? Do you have any way to compare them based on traffic counts?

Eric Williams: Eric Williams, Sheriff's office. I didn't do any comparative analysis to any other similar intersections. It was strictly that one intersection in numbers. I would be more than happy to run some similar intersections. If you want to pick out a few, we will run the same numbers and see how they compare.

Commissioner Mourdock: How would you define similar? Just be traffic counts?

Eric Williams: Probably get with John or Rose and get some roadways out in the county and subdivision type areas that have similar traffic counts. It is difficult to compare roads to roads because that is an unusual road and intersection there, but I would be glad to do it.

Commissioner Mourdock: I would be interested in doing that.

Rose Zigenfus: (Inaudible. Not at mike.)

Commissioner Mourdock: Speak up, Rose, we can't hear you.

Eric Williams: Rose is just, we have to give them a lot of crash analysis information and they have gone through and done some of what you are talking about right here. So, I think that is what she is going to present. I don't want to present her material.

Commissioner Mourdock: Okay.

President Fanello: Is there anyone else in the audience who was here for Mt. Pleasant? Rose, do you want to go ahead and present that information since Commissioner Mourdock asked the question? Do you want to go ahead and present that information since he had posed the question?

Rose Zigenfus: John is going to be gone next week and I am gone the first two weeks in July, so I don't know how we would do this all at the same time. If you want, I will go ahead and give you my information now.

President Fanello: Did you want to go ahead and let Rose make her presentation?

Commissioner Mourdock: It sounds like we pretty well need to. Unless, Pam or someone can present it in your behalf.

Rose Zigenfus: I would have to check her calendar. I don't know if she is available next Monday or not.

Commissioner Mourdock: She would be fluent with this information. I am trying to look out for people who live out there.

President Fanello: Just go ahead and present what you have.

Rose Zigenfus: I am Rose Zigenfus, I am the director of the Evansville Urban Transportation Study. It is our responsibility, we are charged with the responsibility to identify transportation needs for this study area. Those needs are then documented in the transportation plan with a horizon year of at least 20 years, and the plan must be fiscally constrained, and that is really important for approval through INDOT and Federal Highway. We have to be able to know how we are going to fund these projects. It can't just be a wish list. So, what they require us to do is have planning support, and we do that through our modeling process. We first identified the Mt. Pleasant project in our 2015 plan, as well as our 2020 and 2025 plan. Mt. Pleasant Road improvement will provide significant benefits to the residents of Vanderburgh County and to the general motoring public. I think you all know what the cross section of the road is, it is narrow and there's ditches and not very safe. The benefits are both tangible and intangible with improved safety features, reduced delay and congestion, improved travel time, and reduced emissions is the overall goal of the project. In 1999, this body initiated the project with a contract that was executed with Morley and Associates to complete the design. In 2000, we completed a sub area analysis for Vanderburgh County. The report further supported the need for the road improvement, and the report protected a level of operating service of DNE. The model is our best tool available to predict what travel patterns will develop in response to the land use. The Vanderburgh County Comprehensive Plan is what we used for that land use information. Historically, our model has been rather conservative. Back in 1979, when they were predicting the Lloyd Expressway future travel, they were coming up with numbers of about 45,000 vehicles a day and we all know that we have exceeded that by 20 to 25,000 cars a day. Just recently the model was updated with new population data from the Census, the 2000 Census. We did a household travel survey that provided

us with origin destination information. Also, in there is new automobile ownership, employment centers, income levels and the model is expanded to include all of Posey County, Gibson County, Warrick County and Henderson. The model was also converted to TransCad software which is more sophisticated and sensitive, and we expect a more statistically reliable projection. So, the numbers that we were showing in our old model, plus what we have in our new model, are demonstrating a need for the Mt. Pleasant Road improvement project. Perhaps new information to this committee might be the fact that INDOT has programmed a project to improve Highway 41 from Diamond Avenue to Mt. Pleasant as six lanes with additional improvements to go all the way through the corridor to Boonville-New Harmony Road, and that is planned for reconstruction in approximately 2006. So, with the TMMI facility in Gibson County, with employment nearing 5,000 by the end of the year, traffic volumes along that corridor are just going to increase, as well as our local collector roads of which Mt. Pleasant is one. As we examine the existing network for Vanderburgh County, there are three major roads east or west of Vanderburgh County, of Highway 41, and that would be St. George, Petersburg and Mt. Pleasant. There is one minor facility north of Mt. Pleasant, which is Hillsdale. It becomes apparent that travel on these collector roads will continue to increase due to limited east - west access to and from US 41. On June 6<sup>th</sup>, the EUTS Technical and Policy committee meetings were held. The members of those committees unanimously approved the project, after a lengthy discussion and review of the project. The proposed improvement to Mt. Pleasant is an investment in Vanderburgh County designed to facilitate traffic flow, it's a critical link in the network, and I encourage you to move this project forward. Questions?

Commissioner Mourdock: What is the date of the photograph?

Rose Zigenfus: It is taken off of the GIS, so, I think, it is 2000 that they were flown.

Commissioner Mourdock: 2000?

Rose Zigenfus: 2000.

President Fanello: Are there any other questions by the Commissioners? And you are not going to be here next Monday?

Rose Zigenfus: Let me talk a little bit about the accident data. We are in the middle of an intersection study, and so for the crash data for the county, Mt. Pleasant and Old State Road ranked 7<sup>th</sup> in the county, as far as accident rate. There were five accidents, and the accident rate is determined by the number of vehicles going through the intersection based on an average of 1,000,000 vehicles going through the intersection. It is a formula that is plugged in and the accident rate for that intersection is 2.08, anything over 1.0 is considered serious. Even though there were only 5, they were all right angle accidents, which means, and I look at the accident reports and most of it was sight distance problems. Two of them skidded on wet pavement and didn't see the stop sign and went right through the intersection.

Commissioner Mourdock: You said this intersection was ranked where?

Rose Zigenfus: Seventh in the county.

Commissioner Mourdock: How many are ranked higher than 1 if 1 is the measure of seriousness?

Rose Zigenfus: Fourteen are about 1.

Commissioner Mourdock: Do you know which specific ones and again you said this one is fifth or seventh?

Rose Zigenfus: Seventh with 5 accidents.

Commissioner Mourdock: Okay. The other six intersections, do you know off the top of your head, Rose, where they are?

Rose Zigenfus: Yes, the first was Baseline Road and Old Princeton Road with 5 accidents. Heinlein Road and Old Petersburg, 5 accidents.

Commissioner Mourdock: Okay, hold on.

Rose Zigenfus: Boonville-New Harmony Road and 57, 11 accidents. Boonville-New Harmony Road and State Road 65, 6 accidents or crashes, we call them crashes these days. Upper Mt. Vernon Road and North Red Bank, 8. Virginia and Royal, on the east side, 10, followed by Mt. Pleasant and Old State Road.

Commissioner Mourdock: Okay.

President Fanello: Do you have a copy of that for us?

Madelyn Grayson: Rose, I need a copy of the information for the record also.

President Fanello: Are there any other questions by the Commissioners?

Commissioner Mosby: Are we going to try and reset this? I would rather it not be next Monday when John is not here, but if we have to get Pam or somebody to come down for EUTS then that is fine with me.

President Fanello: We will try and reset this. What is next week, the 24<sup>th</sup>? So, July 1<sup>st</sup>?

Commissioner Mourdock: So we will give notice to the neighbors, Mr. Gourley and all.

President Fanello: Yes, I believe that we need to follow up with notice to the residents. Okay, next item is the agreement for Legal Services which is the standard agreement for our attorneys for litigation.

<b>Agreement for Legal Services</b>
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Kevin Winternheimer: It is the same price as you were paying before.

Commissioner Mourdock: Yes, but my heart stops at that one point there where it says \$70 an hour but it says 70.000 and I thought that the period was a comma and that kind of caught me.

Kevin Winternheimer: Oh, no, no, no.

Commissioner Mosby: I make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Ordinance Repealing the Motor Vehicle Inspection Fee**

President Fanello: Next item is the Ordinance Repealing the Motor Vehicle Inspection Fee.

Kevin Winternheimer: Speaking briefly to this, what the ordinance does is that it repeals those sections that established, those subsections that established the fee. The inspections can still be made, but no fee charged. As the Sheriff has previously stated, this is one that he felt that keeping track of the fee and processing the fee was costing the county more than it was worth. He would rather eliminate the fee and do the inspections without charging, and that basically is a summary.

Brad Ellsworth: Right and probably one other major factor is the State Board of Accounts wouldn't let us have two receipt books to do these inspections, and we have the county basically divided into five districts. So, what we were doing is we were taking a deputy from the southeast side on one particular day and may have to run up to the north side to do a Signal 15 for a \$5 fee. So, basically for the \$2,000 that we bring in every year, it was a huge inconvenience, and it just wasn't worth the money to us for the convenience of what we could do for the public.

Commissioner Mourdock: Do we need a motion to advertise it?

President Fanello: I guess so.

Kevin Winternheimer: This ordinance does not need to be advertised. It repeals a section. The only ones that you need to advertise, or you need to advertise to establish a penalty. I am excluding from this the street vacations, rezonings aside from street vacations and rezonings. Generally you do not need to advertise ordinances unless it prescribes a penalty, and this is just repealing a fee, is all this does.

Commissioner Mourdock: But, we still have the sequence here, so this is still a first reading?

Kevin Winternheimer: Right, that is correct, this is still a first reading.

Commissioner Mourdock: Okay, then on first reading I will move approval of the ordinance repealing the motor vehicle inspection fee.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Any Group or Individual Wishing to Address the Board**

President Fanello: Is there anyone in the audience wishing to address the board?  
Mr. Shively.

Les Shively: Either I am getting shorter or this podium gets a little taller each time I come here.

President Fanello: Do you really want us to answer that.

Les Shively: First of all, I will state my name for the record. My name is Les Shively, and now that I am on the record, I want to officially congratulate Mr. Winternheimer. I have known him for a long time, and the county will be well served with his legal expertise. I think he is probably the most knowledgeable person on municipal and global government law probably in the state. I am here before you this evening, I have been here before you concerning this property at 2600 S. Kentucky, the old Builders Square property. A little different approach, keep in mind, I get all of my news from the Courier, so some of the things that I say may be inaccurate.

Commissioner Mosby: I would have never said that.

Les Shively: You're an elected official.

Madelyn Grayson: Les, could I have one for the record, please?

Les Shively: I'm sorry, I always do that. From what the public discussion has indicated the site that the majority of the Commissioners have been looking to for the jail site seems to becoming more problematic as time goes on. So, without getting into all of the negatives, what I thought we would do here this evening is provide an opportunity for the county to look at another site. This particular site, and, again, I have described it to you before, and essentially this is the Old Builders Square property, and it contains 15.8 acres. If you take out the existing right-of-ways and easements, it's probably just under 15 acres and includes the structural improvements as well. The site is in close proximity to downtown Evansville, via the Veterans Memorial Parkway. The suitability site for the location of the new jail, we believe, is the optimal, is an optimal location, if not the optimal location. From what I have read also in the paper, and I have attended some of the public hearings, it appears that once the new jail is constructed, it may at the time they cut the ribbon may be under capacity. So, there is a strong possibility that the jail will be needing to expand. There is no room to do that at the site the Commissioners are looking at, without the construction of a new parking garage, which I have been told will be at least \$10,000,000. The amount of acreage involved here, going back to the days of the Blue Ribbon Committee from the late 90's, I think Commissioner Mourdock served on that committee, as well as the former Sheriff, Prosecutor, etc., before we brought in the outside consultants when we were looking at it on our own. We made a strong pitch to the importance of having a single campus for the jail, juvenile detention and community corrections, this would be most possible in this area. The location, by locating all three facilities at one site results in both construction cost savings we believe and also operational. I have outlined a few of them for you. If you have all three facilities at one site, you can utilize a common laundry, kitchen, administrative offices. You can use common parking areas, you can utilize existing structures. For example, the Builders Square shell building and this other operational cost savings and economies of scale by having all of your staff and personnel at one location. I would also note this too, as I have read and heard some of the comments from people that are very much involved in downtown revitalization, especially from the Redevelopment Commission's standpoint, with the investment that this community has made with the Centre, with the investment that Mr. Bays has made in the Executive Inn, and the Library, which is now in the process of coming out of the ground, it will be incumbent upon the county to keep in mind aesthetics,

so if that building is built there it blends in. This location would not be as problematic, or as much of a concern, and, in fact, some preliminary discussions with one of the largest property owners out there is the fact that he welcomes this facility for the added security that it would be to his operation. There has also been public support, I know that you have heard everybody talking about don't do it here, no, no, no, well, let's look at the glass being half full. There has also been folks that have come out in support of this particular site. In fact, I think Chief Gullidge in the paper this last Sunday said that he thought it was the appropriate location. Councilmember Robinson, who has been most vocal in her opposition to a site back here, also has made it clear in public comments that she would prefer to see the Southlane location or the South Kentucky location. Sheriff Ellsworth also has indicated on several occasions that this site is an appropriate site and would work for his needs. The terms for acquisition are certainly negotiable and flexible and all the county has a concern about is putting capital improvements and a lot of money on a site that they don't own and certainly making it available to purchase is an option and probably the preferred option for everybody. But, also looking at the total fiscal picture, a sale of part of it with a lease/option to acquire the rest of it down the road, is also a possibility too. So, at the least the county could tie up the property but not have to spend that much money up front. We think it is an excellent location, and I know this was not formally on your agenda as a stated item, but we think it is worthy of discussion, and it is worthy of examination in view of the fact that I know this Commission is very anxious to get started. Quite frankly, it doesn't change who your contractor is, we are not talking about privatization, you can do things the way you want to do it, but you have a site here that is going to work and a site that really is as we sit here today, other than testing it for the suitability of its soil and stuff. It is ready to go, zoned properly, and like I say will serve the needs of the community and folks that you look to as opinion leaders in this community offer this site as a very viable alternative.

President Fanello: Can we still have it for \$1?

Les Shively: Well, that was a little different deal, but you are certainly looking out for the taxpayers.

President Fanello: That's right, my first job. Does anyone have any questions? I don't know if the Commission would like to wait, but I was going to get into a site discussion anyway. Would they like to entertain that right now, or wait until Old Business?

<b>Jail Project Site Discussion</b>
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Commissioner Mosby: Go ahead.

Commissioner Mourdock: You don't need to say it at the microphone, given that the possible property acquisition, but have you had some correspondence or discussions with the Commission? I'm not aware of them, as far as potential price, if you're looking to sell this property?

Les Shively: There has been an inquiry made by a representative on behalf of the Commission, and a price was communicated. I haven't heard anything back. That was sometime ago. I'd rather not get into that at this particular point in fairness to my client, and also in fairness to the Commission.

Commissioner Mourdock: Sure.

Les Shively: I mean, that's one of the areas that is left for negotiations, and I would think it would be inappropriate. I will say this, well--

Commissioner Mourdock: So, a number has been (Inaudible. Talking over each other.)

President Fanello: Well--

Commissioner Mosby: I can just speak to that for a second. After I had made a comment in a meeting, about four weeks ago, I guess it was, me and Les met for breakfast. I took a dollar with me, and I couldn't buy it, so I left breakfast and we still don't have a site. There has been a price given, I just will say that.

President Fanello: Well, what I want to get to is a discussion, Les, feel free to stick around. Is what this Commission can and can't live with as far as site location. We've had extensive discussion about the locations around the Civic Center, and I would like to build on that discussion tonight as we try and move forward with a final decision. So, I'm going to take comments from each Commissioner, and we are going to kind of do this and everybody give their opinion on what we've seen so far, and how you would like to proceed. It's my goal, and, you know, this project is very important, and we need to build for the long term here, but we need to get a decision made, and get a decision made quick. So, Commissioner Mosby, would you start please?

Commissioner Mosby: Yeah, I want to make a comment, and, I guess, one reason I didn't comment much when Les was up there talking...there's been a lot of things throwed around, a lot of comments made about, I guess, everything in general since this project started, if you want to say that. I've been contacted over the last week or two, since the comments were made in the newspaper and with the redevelopment, things that have happened all through the project. I think the one thing that we've got to remember is we all work for the same company here. It doesn't seem like we're on the same page at any point in time, and haven't been since this project started. I took it upon myself last week, I guess, to contact several leaders in this community, and I will just say without putting anymore ideas out in the air that I have set up a meeting with several of these leaders, and we are going to sit down in the same room and try to come to a conclusion of what we can and can't live with. There has been people who say they can't live with the closing of Ninth Street, and on the other hand, there is us who say we need to close Ninth Street to do the project. You know, I have said I will go into this meeting with a very open mind. Whatever comes out of this meeting for the best of this community and the company we work for is what I will strive towards to get this project moving. I would hope that the people that I'm meeting with, and the people that I've talked to over the last, I'll say, four or five days keeps the same open mind. If it is, it comes out of the meeting that we can't close Ninth Street, I am not closed to that idea. I would only hope, maybe, that they keep in mind that we have an option 1A, through Bernardin Lochmueller, that shows Ninth Street being cut to two lanes, instead of the expanded four lane that we have back there now, which could possibly save some property. I would rather not get into a lot of comments, because I don't want anything to be said that I already said that I can't live with this or that. I would like to go into the spirit of this meeting with the spirit of compromise, and just see what becomes from there, because I am the one that has initiated this over the last week. I don't want anything out there that would deterrent the meeting at this point.

Commissioner Mourdock: I guess, kind of building on that, maybe, or responding to it, I'm not sure which. A few weeks back, about a month ago, when the one photo came through that EUTS had provided, they had a bit of a redraft of how Ninth Street might flow. I think I stuck it back in the circulating file between us with a note that said, I could live with this. You know, I see Ninth Street as important, but I see the bigger question, and it's the one that I keep focusing on. The biggest question, to me, is how can we meet, how can we best meet the objectives of trying to have 750 beds in Evansville for \$35 million? I keep coming back to that, and I think, to use your phrase of a moment ago, David, I don't know that we are all keeping, and I don't mean just the three of us here, and I don't mean the Sheriff, I mean everybody involved with the process, the architects as well. I don't know that we are keeping an open mind enough as far as what we can get for \$35 million if our objective is to try to find 700 beds. I still do not see that as the impossible thing. I still believe that it would cause us to be looking at the project differently than we presently are from the design side. I know a number of communities, not the least of which is Indianapolis, has put a lot of beds in what is, basically, a lock up type process, because most of the people in jail aren't, you know, violent folks. They've done it in a way that I wouldn't suggest we do it, which is, basically, buy an old warehouse and redo it, but I think the big open type structure that could fit on the courts parking lot is still something that would meet that basic objective of trying to do two things; get as many beds as possible, and stay within that \$35 million. So, I mean, how that affects Ninth Street is of less importance to me than that we go after those two objectives.

President Fanello: Well, we're really not, I don't see anything different being said than what we've said over the past few weeks. We're not getting to the point where we're coming to a conclusion on what we can live with, and what we can't live, and coming to the conclusion of our final site. I'm going to push this board, and push this board to make a final decision. You know, you have mentioned the judges parking lot, and I believe there are differing opinions on the judges parking lot. I am personally not interested in a six story jail facility—

Commissioner Mourdock: Nor am I.

President Fanello: —that would be operationally inefficient for the Sheriff to run, and would cost the taxpayers—

Commissioner Mourdock: Nor am I.

President Fanello: —an enormous amount in staffing costs. I don't know how we can, there's been no option presented that could use the old jail in a cost efficient manner, I'll say, along with a new facility. We can't operate two facilities at the same time. The cost there are astronomical.

Commissioner Mourdock: My comment remains, Catherine, that, and you're right, it's about the site, and if you want to talk about it, and, let's move past this, that's fine, but I think we have pretty well put the architects in a situation where from day one they've started down a given direction and all other things have been focused on that direction, and that's what I'm not comfortable with. Because I don't think we are going to get the maximum number of beds. I mean, as I've said before, only in government would we spend \$35 million to get an answer that we all know is the incorrect answer, which is 484 beds. I'm trying to find some way to do that differently, and I sense, it's my opinion, you can disagree with my opinion, but it is my opinion

that the architects have from day one been kind of going, okay, well it's 484 beds in one building, here that's it. I just, I'm not (Inaudible. Talking over each other.).

President Fanello: I'm going to take offense to that comment, because I don't think that's true at all.

Commissioner Mourdock: Say what you want.

President Fanello: I believe over every piece of information that you've been given, I'm sure we've killed a forest of trees with every piece of paper that we've copied. We have given so much information on every possible solution around this Civic Center possible, and the numbers are there. I'm going to be quite honest, I don't think you've read all the information.

Commissioner Mourdock: I won't claim that I've read every page of the information.

President Fanello: You know, but—

Commissioner Mourdock: I know when the planning report, the program report came out, I did go through every page of that, and I've looked at the minutes of the meetings, when they are provided to me, as far as what's been discussed.

President Fanello: They have given us operational costs. They have given us what it would cost to operate this current facility with a new facility. Why it's not feasible to renovate, in terms of cost, the current facility. They have given us every kind of cost structure possible. What I am looking for from this board is a final decision. I mean, the judges—

Commissioner Mourdock: That is a fair thing to look for, and to that I can only say what does this board see as the options?

President Fanello: Uh-huh.

Commissioner Mourdock: I mean, and what you're saying—

President Fanello: That's what I'm asking tonight.

Commissioner Mourdock: Yeah, I understand.

President Fanello: What do we see as the options?

Commissioner Mourdock: I see as the option a courts parking lot building with a different design than what the architects have been headed toward. Obviously, what David was saying a moment ago, I think, was going back to the one that sits out there on the corner of the courts parking lot. I forget the number, or not the courts parking lot, I'm sorry, the back 40.

President Fanello: The back 40.

Commissioner Mourdock: Number 3A, or whatever that was.

President Fanello: The back 13.

Commissioner Mourdock: Yeah, back 14, whatever it is. Is it your impression, David, is it still your belief that the site needs to be next to, in some way, the Civic Center? That's the first question, isn't it, Catherine?

President Fanello: I believe it is. I believe that's probably—

Commissioner Mosby: I'm not really sure anymore. I guess—

Commissioner Mourdock: So, don't just blame me.

Commissioner Mosby: —my mind—

President Fanello: I'm going to blame both of you, but—

Commissioner Mosby: Well, I'm going to say that, and I sat in a meeting with the Sheriff and Chief Deputy Williams last week, along with Paul Summers, myself, and, I guess, Judge Bowers and Judge Heldt. There was just six of us in the meeting. I listened to a lot of dialogue in that meeting, and after that meeting I received an e-mail from Judge Heldt, and I'm not sure now after being in that meeting, and Judge Heldt was fortunate, I believe, to talk to somebody in South Bend, and I think whoever Judge Heldt talked to, the gentleman that he dealt with, Judge Heldt said he felt very, very comfortable after talking to that gentleman, and he, I guess, more or less said he understands they've got a state-of-the-art jail up there, and this gentleman said, you know, that everything had went well with all the video arraignments and whatever. So, Judge Heldt was very, I guess, he gave praise to what he heard. He said he hadn't been able to make the trip yet to South Bend. He asked me, I said I've made the trip to South Bend. South Bend has a first class facility. I will give United and DLZ all the credit in the world after visiting that jail, and I think the Judge was more or less saying the same thing. Knowing that Judge Heldt is comfortable, after dialogue with him on video arraignment. The only thing he said to me in the e-mail was if we looked at moving off-site, for any reason, that he would like for there to be, possibly, I want to say two court rooms, four hearing rooms, and four offices, so that we could start doing some court outside of here.

Commissioner Mourdock: Yeah, and keep in mind that at South Bend, that facility, as you called it, super modern jail, is still only three blocks from the courthouse. So, it's not as far removed as, and I'm going to make the supposition for a minute, but the thing Les just provided. I mean—

Commissioner Mosby: Oh, I understand that.

Commissioner Mourdock: —if you're looking at something like that, it's a lot more than three blocks. The other part of that becomes, and, again, it's not that it's an unwarranted discussion, and I'm certainly, never do I have my feet planted in concrete here, but, again, with my objectives being what can we get to come closest to meet 700 beds for \$35 million? Once we go to that off-site location, we've just, probably, spent another million, \$2 million bucks—

Commissioner Mosby: And that's just—

Commissioner Mourdock: Then if you just put a couple more court rooms in there to offset what the Judge wants, then we just went from 484, I think your number last time was 435, and now we just added two courtrooms, which will pull more beds out.

Commissioner Mosby: I was going–

Commissioner Mourdock: That's not meeting the objective.

Commissioner Mosby:-- I was going to finish. There's two things that, I guess, scare me, and it's the added cost of the land, plus the possibility of the transportation that's still going to be needed. The second thing is exactly what Les said, that some of the people are telling him, and the reason they want it out there. I like that security in downtown. I like the public safety, the police officers traveling in and out of downtown. I mean, let's face it, we're trying to revitalize downtown. We want people to come down here. We're trying to bring people down here. I think all the public safety that goes through downtown here, and around downtown, makes downtown a safe place. I'm not sure what's going to happen once everybody knows that our public safety is now at Southlane and 41. I mean, you're not going to have the Sheriff's Department down here. You're not going to have the police cars traveling in and out of downtown to lock people up. So, where's all your public safety going to be? They have no reason to come down here.

Commissioner Mourdock: Sure. Let me ask you, Catherine, do you disagree with my two objectives?

President Fanello: I don't disagree with your two objectives, because I will go on the record as saying this project is an inadequate project from the start, because we are not getting the number of beds we need. We are not meeting our long term goals. But, I mean, there are constraints around the Civic Center site, and we're dealing with a lot of different issues. The fact that if we were to go in and remodel the current old jail, I believe, the cost–

Commissioner Mourdock: And I agree with you totally on that.

President Fanello: –given is around \$6 million from the information that we were given. That's going to bring us down to 144 beds, approximately.

Commissioner Mourdock: But, let me ask a question. Do you understand that, at least it was said to me, and I believe this to be accurate. If you do not start to remodel the jail, in other words, if you keep the jail we have right now, be that it is far from perfect, if you do nothing less, or nothing more to it, if you architecturally do not get in there and start changing it, you don't have to invest anything new in remodeling that jail.

President Fanello: That's the way I understand it, but I don't know that, I don't if that–

Commissioner Mourdock: That's what the architect said.

President Fanello: –that's true. That's the way I understand it. I just don't know if it's acceptable for us to leave the jail in the type of standards that it's currently in. I don't know if that's acceptable.

Commissioner Mourdock: Yeah, and I would argue based on the reports that the jail inspector makes, when, key words, when the jail population is down, there seems to be very little problem with our jail. Is that not correct, Brad? I'm not going to say it's perfect everyday, but, typically, the most common thing you see in the jail reports is the result of the overcrowding.

Brad Ellsworth: That's true. There are a lot of, I guess, problems with, a lot of the plumbing has problems in the cells, the sinks and the showers are quite antiquated, and hard to replace. The electronics on the doors, apparently, don't make the motors anymore on the electronic doors, and when we do have one fail it has to be taken to Flanders or somewhere and have it rewound. So, there's problems in just the age—

Commissioner Mourdock: But in fixing, and I think you were at the meeting, I know Eric was there. In fixing those things, even if you go in and fix them, it doesn't kick in all of the requirements—

Brad Ellsworth: No.

Commissioner Mourdock: —of the Americans with Disabilities Act, so that you don't have to make these wholesale changes.

Brad Ellsworth: Right.

Commissioner Mourdock: If we just fix it.

Brad Ellsworth: I'm not saying fix it, if we remodel then we're going to have to—

President Fanello: Uh-huh.

Brad Ellsworth: —when we knock the brick out of the wall to remodel, we have to go down to the—

Commissioner Mourdock: That opens a whole new—

Brad Ellsworth: —new standards—

Commissioner Mourdock: Yeah, right.

Brad Ellsworth: —and then you're talking about a hundred and something beds in the whole facility.

Commissioner Mourdock: Rather, if you are off by twice, it's \$3 million, which is unacceptable.

President Fanello: I mean, I would not be opposed to your idea at all if it wasn't for the fact that this was going to be a multi-story facility in the judges parking lot. I am not comfortable with the fact that it's going to be a multi-story facility.

Commissioner Mourdock: And I'm not comfortable with that isn't the answer. I know we've heard that said over and over, but just this past week I was with the Sheriff in Marion County, and he was telling me of their facility that they have set up for, I think, it's 800 people—

President Fanello: Uh-huh.

Commissioner Mourdock: —and it's a four story facility at 800 people. I just don't think our folks, I'm meaning the architects, have not necessarily looked at if from the idea that it could be just something less than the maximum security, or I don't know, what's between maximum and minimum? Whatever that is.

President Fanello: Medium.

Commissioner Mourdock: Medium? Okay. A man's got to know his limitations, okay.

President Fanello: But you've just left out some...I would have to know what acreage are they building on? What square footage have they built? I mean—

Commissioner Mourdock: It was about, I don't know, it's very close to the same size.

President Fanello: I'm very hard pressed to believe that 800 beds went into a four story facility on...would fit on a four story facility.

Commissioner Mourdock: Well, there are a lot of college dormitories, and—

President Fanello: Uh-huh.

Commissioner Mourdock: —I would be the first to agree, this is not a college dormitory.

President Fanello: No, this is a jail that we have to abide by standards.

Commissioner Mourdock: That's right, but picture, if you will, a college dormitory that would fill that lot out there, maybe to four stories. How many college kids would you have in that? In a college dormitory scenario, you would have 300 or 400.

President Fanello: But, I'm talking jail construction.

Commissioner Mourdock: And I'm talking jail construction too, where instead of having individual rooms, you have more of them in one space. It would give you more and not less.

President Fanello: There's nothing to lead me to believe that, you know, the estimate of the six story...and let's just, hypothetically, say that they could build 500 beds in four stories—

Commissioner Mourdock: Uh-huh.

President Fanello: —what's our options for expansion, though? It's to completely go up, and up, and up.

Commissioner Mourdock: Not necessarily. I think you could go further to, whatever direction that is, towards Don's Cleaners.

President Fanello: Well, then we really are going to cut off access to Main Street, and we're going to have problems with Sycamore Street. So, we really have affected the downtown Master Plan, at that point.

Commissioner Mourdock: Well, with the idea that if you are going to pack this thing up, and move it someplace else, I mean, if that's not the...if the objective is to pack it up and move it someplace else, like I say, you're getting even fewer beds—

President Fanello: Uh-huh.

Commissioner Mourdock: –than what we are starting with out here. Which we are all agreeing is not acceptable. Let's take your example. Okay, you put it out here, where people are already saying it's constrained, it's tight, and they don't want it there, oh, and then we are going to come back two years later and say, oh, now we're going to expand what you didn't want to begin with. I mean, we are both in the same box on that one.

President Fanello: Uh-huh. But the expansion, there is more availability of expansion in the back 40 than there is room for expansion in the courts parking lot.

Commissioner Mourdock: But, it's the same argument.

President Fanello: I'll agree with that. I mean, there's pros and cons to each site, but what I'm trying to get at here is either ruling in, or ruling out some specific locations. I don't see us making any headway into doing that.

Commissioner Mourdock: I agree with you that we don't, we seem not to be making headway, I sense there are three distinct opinions here. You know, I'll ask you personally, okay, Mourdock, what is it that will cause you to change your opinion on this? And that is if someone on the board can demonstrate to me that what I've just described, that has in my view point, seemed to work in other places, that it doesn't work here, then, okay, I'll buy into that. Let me take it one other step further. If you were to say to me that we were to go to an off-site location, and do the type of structure I'm talking about, and keep the present jail in the way I'm speaking of it, okay, this is about compromise. I could live with that. I just want to see us get to the 700 beds, with \$35 million. That's my simple objective. I know the operating costs would be more doing that, but, still, I think we have in that scenario, we might have more potential for growth room off-site, and it may be something we can work toward.

President Fanello: Before we could do that, and, Commissioner Mosby, I'll let you speak in just a minute. Before we could do that, I think we would need a commitment from County Council if they are willing to accept those type of operating costs. I mean, if we are going to operate two facilities like that, I would need to have some kind of commitment from the County Council, and I don't think this county can afford to do that. I've been working on our budget, and just kind of looking at the overall budget of the county, this county can't afford to have two jail facilities operating at the same time. It's not prudent. I guess, I'm a CPA, and I'm number obsessive. To me, it would not be, that's not what I, if I, if my client came in and said I've got this option, this option, I would definitely not recommend that to my client.

Brad Ellsworth: I was going to ask, I know I provided a document, I think I read it at the meeting, I'm not sure, parts of it, from Paul Downing with the DOC about some of the costs of running two facilities. I know that's pretty staggering numbers. Another thing on this design is, and, believe me I've not been in jail two in Indianapolis, believe it or not, of all the jails we've been to, but if memory serves me, they knocked a wall out, and they put pre-cast cells, and moved those in there. So, those are probably either two or four man cells with some dorm....we are designing to standards, and, although big dorms will work in some, I think, Paul Downing with DOC, who would have to approve this, will be very quick to tell you that we're going to need a certain amount of hard cells, a certain amount...and when I say hard, that's single person. A certain amount of two man, a certain amount...we're trying, you know, Eric and I were discussing, we're kind of pushing

the limits. We're trying to model this similar to the Lexington, and actually having eight man dorms to cut down on the number of doors, the number of toilets, number of showers, and those things to cost us the least. You can't do the big, you can't segregate, and you can't classify when you have just a big open room full of inmates. It won't work.

Commissioner Mourdock: Have you been to the Harrison County Jail? Do you know? I know you've been to a bunch of them.

Brad Ellsworth: Let me think. It's sounds familiar. I've been to a bunch, Richard, and I'm not sure.

Unidentified: Corydon.

President Fanello: Corydon.

Brad Ellsworth: No, I haven't.

Commissioner Mourdock: I was just curious, because I picture, having gone through there, and each of their pods, I don't know if pod is the right term in that case, but in each of their areas, it's probably about 3/4, maybe less than 3/4 of the size of this room, they have 10 to 12 people in there. It's a very modern, it's only been open a year or two, so.

Brad Ellsworth: We have met, I mean, obviously, the public, we're meeting minimum square footage per inmate, per pod and cell, and yet breaking it up, because, I mean, there's people we have to keep apart. We're down to the square inches for each inmate.

Commissioner Mourdock: That too, and I'm glad you said that, Brad, because it is an honest concern of mine, you can laugh at this if you want to, but the whole thing that motivated us to start the Blue Ribbon Committee wasn't the fact that we just had that 1979 lawsuit, it's that the overcrowding issue really was that bad, and it was making it very unsafe for the folks who work there.

President Fanello: Uh-huh.

Commissioner Mourdock: And that's where I fear that if we put all of our eggs in one basket, build that 484 bed facility, and it's filled, and how many of them have you not heard of that are six weeks later. We're going to be right back to where we started from. I think we have to have that 700 capacity. Maybe the short term, meaning five or six years after the thing is full. Maybe the short term of having that operating cost be what it is, is going to be what it takes to get something done, to have Council, or whatever, do something different than the \$35 million. That's where, maybe, your expansion idea is a very important one. Maybe that's, too, where off-site is better than here, if that is the big consideration. From day one, if you start out with this thing with 484 beds, it just—

President Fanello: Well, I mean, I agree with you. I mean, you know, last year I fought for a much different project. I fought for a project that would meet our long term needs, and that was not accepted by the Council. Now we are living with a budget that is almost unrealistic for jail...people need to realize jail projects are expensive. There is just no way around it. Jail projects are different than any other

kind of construction project. Commissioner Mosby had something that he wanted to say.

Commissioner Mosby: I don't even remember what I was going to say.

Unidentified: Ms. Fanello?

President Fanello: Yes.

Unidentified: May I make a brief comment?

Mark Miller: This is Mark Miller. I represent Curtis Investments. Two things I would like to say. First of all, I think that each of you has been handed a very difficult situation. That you've inherited a lawsuit from 1979. You've been told what your budget is. I'm not going to say whether it's a good budget or a bad budget, but you've been given it. You have some land that is available, but isn't necessarily agreeable to everybody. That is a very difficult situation to be in, and I certainly don't envy you to have to try to sort this through. I do want to make one comment about a factor that has not been mentioned, and maybe it's too late. You mentioned, Ms. Fanello, that last year you were talking about a different concept for the project. Maybe this is a factor that would tie into that different concept and perhaps because of the budget constraints it's no longer a concept that could work, but there is also an economic development element to any major public construction project. I think one of you mentioned that about having the traffic in and out of the jail and creating a sense of security. I don't know what the moving of the jail would do to the City Police Department and the parking along Sycamore Street, and maybe that would stay, and maybe still have some sense of that. One thing in putting a major new construction like this, or deciding where to put it is where would it have the most benefit? Where would it create the most development that would be a direct result of the building of the facility? It seems to me that you have a lot of development that's already going on that doesn't need that impetus from government funds that is going on right now. There's a restaurant that's opened up across the street from the Curtis Building. You've had Don's Cleaners open up, and it seems to be doing well. I don't know. You have, you know, Mr. Curtis coming back into Evansville and making a major investment in downtown Evansville. The Centre, the Victory Theater, there's a lot going on, the library. Perhaps an off-site location. Again, I realize I'm just picking one factor out of the bunch, but perhaps an off-site location in an area that does not have that type of development already going on is a factor that could be considered. Because it accomplishes a lot of things. It accomplishes the creation of potentially new jobs, new businesses, an improved area. I suggest that to you in light of your, Commissioner Mosby's, comment that you're going to, you're wanting to talk and meet, and I don't know if anybody else will bring this up, but I was just here to listen tonight, and I thought I might just add that as something in the mix. How could these public funds create, not just maximum benefit, which is what Commissioner Mourdock and Commissioner Fanello have said, to achieve the goal. The direct goal. The goal of creating, satisfying the lawsuit, creating a facility that works, but also how could that money be spent in a way that creates the greatest indirect benefit. I think that is a broader perspective perhaps than you are even able to consider, because of the budget constraints. I don't know, but I offer it as a comment.

President Fanello: Thank you.

Mark Miller: Thank you.

President Fanello: Do you have something you wanted to say?

Les Shively: Just briefly. I find a lot that I agree with here. Unfortunately, not from just one Commissioner a little bit here and there, but let me just say this in summary. As you look at this project, it's not just the cost to the county, it's the cost to the community at large. This site has major cost ramifications for the City of Evansville. Now, those have been discussed before this podium by other people, I'm not going to get into today, but you need to take that into consideration. I know that you will. Operational costs is not a small item. That is a big, big issue. It's something that you can't just keep the blinders on, and say, well, we can't cut our construction cost by "x", but then that translates into something operationally. I was up here several months ago, and heard these experts, a lot more knowledgeable in this area than I, and that operational cost is where everyone makes the mistake. I know you all are too sharp to make that mistake, and you've got too good of consultants working with you. The land you are looking at out here is not free land. There is a direct cost, and there is an indirect cost. I assure you, I'm not going to get into numbers this evening, the site I'm talking about is going to be cheaper than that site out there. When the numbers finally come in, and you look at the big picture, and costs to all the governmental entities involved, this is going to be a cheaper site. The response to Commissioner Mosby, well, if we move the jail, the police won't be there, the Sheriff won't be here. I scratched my head, I thought what we were trying to do in this community was satellite operations. We've had the Sheriff with his facility on the north side, our fastest growing area. We have the satellite operations for the Police Department on North Main, which has been a major factor, not major, one of the more significant factors in bringing that area back. Not only for businesses, but people living there. We've got satellite operations all around, and I don't think the Police Department is going to leave this building. A non-economic issue, what kind of message do you think it sends putting the jail in the proximity, in that close proximity to the C.K. Newsome Center. I don't think that's the right message that we want to give. I don't think it's the right environment for that center. Again, I hope you take into consideration all of these factors, but, remember, it's not just the county's cost, it's the community in general that Mark alluded to, the city, and other governmental entities involved. I think that Commissioner Mosby's comments are, I think a very positive thing, one of the most positive things I've heard in a long time. That he's going into this with an open mind. He's going to talk with some folks that have a significant investment in this community, and I applaud that, and wish him the best of luck.

Commissioner Mosby: And I didn't say the Police Department was moving out. I think one portion of them are. I think they are going to the Airport. My only comment was exactly what you said, and I know who the people are that would like to see them on Kentucky Avenue, because it's like they said, I'll welcome that traffic and flow of police cars and sheriff's cars in and out, because that will deter a lot of crime, on his behalf. I understand that.

Les Shively: Right.

Commissioner Mosby: But, they're not moving out that I know of.

Brad Ellsworth: If I could throw one more comment in. We've said this for months, but I think it's one of those important things. From our point of view at the Sheriff's office, what makes this the number one site location is connectivity to the court building. When I, when we originally started what I didn't want to see was what our neighbors in Warrick County have, and be on t.v. with the guy, you know, traipsing

up the steps in chains and shackles. I think that's unsafe for the deputies, it's unsafe for the inmate, and unsafe for the public. So, we've been spoiled, I think, by having this bridge going across. That's what made this, this and the cost of land to build this is what made the back 40 the number one site, being connected to the courts. If we build it free standing across the parking lot, it goes down the line for us. You know, if we have a say in this. If it's free standing, it doesn't matter if it's across there free standing, or two something miles, or five miles down the road, at that point, then we're going to have to implement the video arraignment, probably the video visitation. You know, we may have to build in those spaces. I found that a little amusing, we were talking last week in our meeting about the court space, and the Clerk's office space, then, you know, I remember getting headlines that that was a big surprise. That's what makes this number one. Building in that parking lot, or building here and connect it here and across is going to be, I mean, architects can do it, but it will not be the most efficiently designed building if you have to go back there, or go back there. It will cost us positions to wind this thing around the building, over there, wherever.

Commissioner Mourdock: So, you are on the record, for the first time, saying you want it somewhere other than here as your first choice?

Brad Ellsworth: If we cannot connect directly to the court building, then, yes.

Commissioner Mourdock: And direct connect meaning like the bridge you have right here outside our window?

Brad Ellsworth: That's still not the most efficient, but that's still connected, and gives us that. It's still going to be hard to design. It still could cost us positions on getting a person to that bridge to walk over here. It's, like I said, that may be more expensive, but it still connects us to this court building. That's the only thing that makes it number one. Really, I think that design would then, like I said, I'll wait for this next meeting also, but I think that what, you know, what makes it number one is being connected here. There are some things coming up that....a Supreme Court ruling about separate hallways, and we're going to take that into consideration, how we transport them.

Commissioner Mosby: Now, you asked that question, you don't mind a walkway?

Brad Ellsworth: I could, it is, I think I was quoted one time as saying it's not project stopping.

Commissioner Mosby: Well, because I at one time interpreted you to say that, you know, you didn't want a walkway. That you wanted to be directly connected. I interpreted that, and said that to a couple of people. I think it came out in the paper a couple of days later, and you're like, he says right here.

Brad Ellsworth: Right. It's do...it is not the most preferred method. It's not, because that walkway is going to be, what I think considerably longer, and not just the walkway itself, but the halls that go from the living pods...you know, when you put it out there, the pods are going to be on the other side of that walkway. How we face that building and wind it across is, you know, it's more than just the walkway. It's how you place it out there, and then thinking of future expandability, and you have to be in on some of these design meetings to see about how we're placing for that future expandability to know where we put...the pods almost have to be together. So, that then goes out into that parking lot. If the pods are on the far side for

expandable pods, then you having to cross through administration, or whatever, to bring it in to this hallway. I mean, there's just a whole lot of hassles with a walkway, and this winding design. That big, square open field looks better all the time.

Commissioner Mosby: Now, you don't want a high rise, right?

Brad Ellsworth: I'm sorry?

Commissioner Mosby: A high rise?

Brad Ellsworth: No. Like I said, that not just...every consultant, and, you know, one of the best testimonials we had was when, I think, it was Les' group came in with Mr. Braun, and were talking about the down sides, you know, didn't have the job and were still saying a high rise is not the way to go in jails. This is a group that did not get the job, and, you know, may have not thought they had a prayer to get the job, and were saying that is not what you want to do is build a high rise in your jail.

Commissioner Mourdock: DLZ is building one now in La Porte. I mean—

President Fanello: Maybe their Commissioners didn't make the best decision.

Brad Ellsworth: (Inaudible. Talking over each other.)

Commissioner Mourdock: (Inaudible. Talking over each other.) I was just saying, the same architects are doing something different there.

Commissioner Mosby: I'm sure an architect will pay you to do what you want. I mean, I don't want—

Commissioner Mourdock: That's the point. You got it exactly right, David. The architect will...you can pay them to design anything, to do anything.

Commissioner Mosby: I tell you the first thing, I guess, I learned the first 90 days I was on this Commission, and knew I was faced with this jail project, and met with every team around; Farley, Hickey, Hafer, you know, you name them, and everyone of them told me not to build up, and everyone of them told me I was looking at \$60,000 a bed. So, you know, truthfully, they have been pretty well on target, because, I think, after I had met with all nine of them, I told that lady sitting over there exactly what this would cost us. When the figure was all said and done, I think he said I missed it by, what, a million dollars, out of 60, so. You know, and that's taking it from the experts, it's not taking it from me. I sat with his group for four hours one day. They showed me how to figure it on either square footage or beds, you know, it didn't matter. The price came up the same. That's why when you sit here and tell me that we need to figure out how to get 700 beds out of \$35 million, I'm on your team. When you figure that one out, I'm on your team.

President Fanello: And I'll be all in there for that new math.

Brad Ellsworth: I was going to say, St. Louis, of all the jails I've been to, St. Louis is the only one that was built downtown that they did a high rise. It was Hickey and his group. The rest are pod design, mezzanine level, two layers of cells in some configuration. Now, a lot of them are two man cells they are building, those hard cells. One and two man cells, which means everytime you have one there is a door, and everyone means a separate toilet. That's, we're trying to eliminate all that, so.

President Fanello: So, it sounds like to me, Commissioner Mourdock, you're really only interested in the judges parking lot, and you are not interested in the back 40? I'm trying to narrow down things here.

Commissioner Mourdock: No, I don't know that I would say that. Again, if...I'm interested in a design and in a process that will give us 700 beds for that \$35 million. I think that means you have to use the current jail to some way. Whether we use the courts parking lot, or whether we use the back 40, I don't care. I have questions, obviously, with the operational costs. I'll go back to what I said a moment ago, if we can move this thing somewhere else, and under a different set of constraints, hear from the architects that we can, you know, we're not going to worry about Sheriff's offices, we're not going to worry about additional court rooms and all those other things in that building if we left that here, could we get more beds at some other facility to do that? I'm open to hear it. My objectives remain what they are.

Commissioner Mosby: I would say the answer is no. I mean, I've asked them.

President Fanello: I mean, I was going to say...go ahead.

Commissioner Mosby: We're getting probably as good as we can get now. If you look at every (Inaudible. Someone coughing.)--

Commissioner Mourdock: I'm sorry, if you look at what?

Commissioner Mosby: If you look at every way, I mean, figure it on square footage, figure it on per bed, how are you going to get 700 beds, you know, plus the cost of your bond and everything else.

Commissioner Mourdock: How many beds is this 484 design that's been talked about out here, how many of those are maximum security? How many of them are women?

Brad Ellsworth: That's hard to say. It has not gotten down to exact. When you say maximum security, most jail doors, toilets, beds, they are the same thing. It depends on how many people...now we're talking about splitting that up between how many single man--

Commissioner Mourdock: Uh-huh.

Brad Ellsworth: --we're really talking about probably a pod, in different configurations, some eight man pods...well, I shouldn't say that.

Commissioner Mourdock: Okay.

Brad Ellsworth: Eight man cells, sleeping quarters, four man, two man--

Commissioner Mourdock: So, two man are more expensive than four man, and four man are more expensive than eight man?

Brad Ellsworth: Right.

Commissioner Mourdock: Okay. So, if instead you made all of them eight man, would that not be a cheaper building?

Brad Ellsworth: Yes, but you can't do that.

Commissioner Mourdock: Why can't you do that?

Brad Ellsworth: Because there is just some people, and come up and see—

Commissioner Mourdock: No, no, no.

Brad Ellsworth: —you can't put with....they don't play well with others. They have to be alone.

Commissioner Mourdock: I understand. That's where I'm saying this present jail still has some utility. For those who can't play with others, you put them in here. The others you put, if you are only building eight man, or ten man, that structure would be simply eight man, or ten man, every pod there would be an eight man or ten man pod. That's the kind of question that I have as to what the utility would be, and what we could get then for \$35 million.

Brad Ellsworth: That's a big problem. The one's...over here I don't have enough single man cells over here that I need everyday right now.

Commissioner Mourdock: Because you are overcrowded, and that's what we're trying to resolve.

Brad Ellsworth: Well, I would have to renovate, again, I've got probably about ten single man cells in this current jail, and I could use, probably, 30, something like that.

Commissioner Mourdock: How many—

Brad Ellsworth: In that current jail.

Commissioner Mourdock: Have they looked at it in any specificity at it, as far as number of women? Men to women in a new facility?

Brad Ellsworth: I think we were talking about, I mean, a pod. You would almost have to dedicate a pod in this design to women.

Commissioner Mourdock: And a pod—

Brad Ellsworth: Or half a pod.

Commissioner Mourdock: Okay, half a pod would consist of as many as, what, 16 or 32, is that right?

Brad Ellsworth: Well, what I think we're looking at 64 man pods right now.

Commissioner Mourdock: Okay. So, yeah, half a pod would be 32.

Brad Ellsworth: Yeah. Right.

Commissioner Mourdock: And how many women do you have over here now?

Brad Ellsworth: And we would need....there's times we have up to 50, and sometimes more than 50.

President Fanello: It goes back to the original thing. We were not given an adequate budget to do the project that this county needs. We are now living with a constrained budget—

Commissioner Mourdock: Let's go back to your point, because I think it was exactly the right point earlier. What is Council willing to do from the operating side?

President Fanello: Uh-huh.

Commissioner Mourdock: I think that's an excellent question. I think that is a question that, with the things we've talked about here, especially in the last ten minutes, becomes an important one for them to decide upon. If they said to you, Catherine, and I'm not, this is not a prediction, but if they said to you, yes, we do want to do 700 beds. Yes, we are willing to do something with the current jail, and something with a new one, how does that change your thinking? That may be a pipe dream that they would say that, but that's the kind of eventuality we need to think about.

President Fanello: I think that's an awfully big commitment to put on a Council to say that over the next five, ten years, they are going to operate two jail facilities. We don't, at what cost to the taxpayers? I don't think it's financially prudent. I'm sorry. I don't, and I'm not going to change my mind on that.

Brad Ellsworth: I mean, we could take the staff—

Commissioner Mourdock: Don't you understand, Catherine? What I'm trying to say is how do we get the Council to look at this differently?

President Fanello: Uh-huh.

Commissioner Mourdock: If you're saying that \$35 million isn't the right number, how do you enlighten them to the fact that it's not the right number. Isn't the best way to do that with operating costs?

President Fanello: I thought that was all the information we presented over the past year. How many times have we presented operational costs information?

Commissioner Mosby: (Inaudible. Mike not on.)

President Fanello: I mean, in December we had every consultant come in on the project and present all operational costs as best as they could approximate at that time, and they are all estimates.

Commissioner Mourdock: For a 484 bed facility that, again, we all agree—

President Fanello: No, they presented operational costs—

Commissioner Mourdock: You're right. You're right.

President Fanello: —for every scenario.

Commissioner Mourdock: Yeah, for the larger facility.

President Fanello: So, all the information is there. We are now dealing with a budget that is not going to get us what we need, and we are going to have to find the best solution right now, and hope for the best in the future. But, we are starting off with an inadequate project. Now my hope, my goal, and hope is that we come to some kind of consensus on the site. I'm glad that Commissioner Mosby is going to meet with these people. In order to move further, I'm going to say that I would like for you, over the next two weeks, to get with the design team. I want you spend some time with the design team to get your questions answered.

Commissioner Mourdock: I would be glad to do that again.

President Fanello: Okay. I'm going to set July 1<sup>st</sup>–

Commissioner Mourdock: When will...excuse me, go ahead.

President Fanello: –as the date that we come back, and I want a final decision from this board on that night of whether we go with a possible option near the Civic Center, or we go off-site.

Commissioner Mourdock: Okay, and more specifically you are saying, back 40, courts lot, or off-site.

President Fanello: Uh-huh. Yes, somewhere around this Civic Center. I want sites ruled in or out. Solutions ruled in or out around, or we go to off-site. I don't think there is going to be consensus on the Ninth Street, so I think we need to probably leave that possibility out. So, I think it's great that Commissioner Mosby's going to meet with these people, and we'll come back on July 1<sup>st</sup>, and that will be the night that a final decision is made, or I'm going to see if we can have the Sheriff lock the door until a decision is made.

Commissioner Mourdock: Have you met with them already?

Commissioner Mosby: We'll let you out first.

President Fanello: Have I met with–

Commissioner Mourdock: The folks David is going to meet with?

President Fanello: No.

Commissioner Mourdock: David, who is it you're meeting with?

Commissioner Mourdock: I'm not exactly sure who all is going to be in there yet, but I know I've talked with the Mayor, and told him to bring the DMD Director. Hopefully, a couple of Councilman–

Commissioner Mourdock: Oh–

Commissioner Mosby: –I've asked the Sheriff–

Commissioner Mourdock: –so, it's more on the Ninth Street issue.

Commissioner Mosby: It's more on the issue of what can and can't we live with. I mean, after reading–

Commissioner Mourdock: For Ninth—

Commissioner Mosby: —the DMD letter, and the letter from the person that drew the downtown Master Plan that didn't realize we were building a jail. I don't know where he'd been living for ages, but, anyhow, it's just to try to, I mean, since the board had, the Redevelopment Board, made their presentation last week, it's trying to get a consensus of, you know, can we live with this? Can you live with that? I mean, do you want to run us completely out of downtown? What do you want to do, so?

Commissioner Mourdock: And the design folks, are they here this week? Or back in Indianapolis this week?

Eric Williams: As far as we know, we're not meeting this week.

Commissioner Mourdock: This week. So, are they meeting next week?

Eric Williams: They haven't scheduled one yet.

President Fanello: Yeah, on their last, I think, report they said they really weren't going to schedule any meetings until we made a decision on the site.

Commissioner Mosby: The one thing I did—

President Fanello: I mean, they've come to a stopping point.

Commissioner Mosby: —say to the design team, rather than them meeting on Tuesday, I might, possibly, want them to come down when we meet with the Mayor, just so they can—

Commissioner Mourdock: And that's tomorrow Tuesday, or a week from Tuesday?

Commissioner Mosby: No, they were going to meet a week from Tuesday, but I had asked them to possibly to come in a different...yeah, that would be the right day, though.

Commissioner Mourdock: Alright, so if they're coming down here—

Commissioner Mosby: Skip tomorrow, but come down the next Tuesday and—

Commissioner Mourdock: Okay.

Commissioner Mosby: —in case there is any questions.

Commissioner Mourdock: Set that up, and I would be glad to meet with them again.

President Fanello: Okay, so everybody get their questions answered. July 1<sup>st</sup> is the date. Nobody's leaving.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: Is there any other group or individual wishing to address the board? Seeing none. Is there any new business to bring before the Board?

**New Business**

President Fanello: Does either Commissioner have any New Business?

Suzanne Crouch: If I could formally make a request for funding for the sound system in the Commissioners budget?

President Fanello: And how much do you?

Suzanne Crouch: You know, I would have to go back and check, I think it was \$5,000 back in five or six years ago when they did it. So-

President Fanello: Okay. I have been working on the budget and haven't finished it up yet.

Suzanne Crouch: I can get the costs together, or try to.

President Fanello: Just to let you know, as far as the Commissioner budget we are still waiting on information from the City. So, okay. Old Business, any other Old Business to bring up?

**Old Business**

Madelyn Grayson: I have a question. Do any of the Commissioners have the Arc Construction contract with them that was approved last Monday?

President Fanello: I have it on my desk. I will get it for you.

Madelyn Grayson: Okay. I need the signed one back tonight.

President Fanello: Okay. Seeing that there is no other Old Business to be brought up, we will move onto Department Head reports. County Engineer?

**John Stoll: County Engineer**

John Stoll: First of all, I have got two right-of-way dedications for two different projects. One is for dedication of right-of-way on Oak Hill Road for Ivy Meadow Subdivision. They were required to put in a passing blister for their northbound traffic on Oak Hill whenever that subdivision was approved. To do that an additional right-of-way grant had to be secured from Vectren. So, that is this document. It has been reviewed by the County Attorney, and he said this document is okay. So, it is requested that this one be approved. Also we have one on Cross Pointe Subdivision. It is an extension of Cross Pointe Boulevard, and here again, I have reviewed it with the County Attorney and they had some language in there that was unacceptable originally. That has been deleted and modified in one case. Basically, they had some language in there that basically gave them unlimited access rights to their property. They have since said, I mean to the roadway, and they have since modified that to say that the access would be subject to the approval of any

governmental agency. So, with that change, the language is much better. It is requested that both of these right-of-way grants be accepted by the Commissioners.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: I will return those to the consultant for each project, so that they can record it and get us the recorded copy back. Next, I have agreements for the Green River Road/Millersburg project. One agreement is between the State of Indiana and Vanderburgh County, and one is an agreement between Clark Dietz and Vanderburgh County. Basically, it is two agreements because it is federally funded, and the provisions in the State LPA agreement between the county and INDOT dictate how federal funds will come back to us. The other one basically outlines what services Clark Dietz will provide. It is requested that both of these agreements be signed, and then I can return them to INDOT for further approval.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request that contract number VC02-06-01, Repair and Repaving of Old Henderson Road be awarded to J.H. Rudolph for the amount of \$137,593.44, as they were the low bidder on the project.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That does go from about half way between Duesner and Newman, two miles south, so basically, I forget exactly the starting point but it runs and will start about half way between those two roads and then head south with the two miles that we are going to pave. Next, I would like to request approval for Bernardin Lochmueller to do a septic evaluation for parcel number 35, Paul Fritchley on the University Parkway Project. The need for this evaluation comes about due to a meeting that we had out at the site last week with the court appointed appraisers. No one had ever brought up the fact that the septic tank might be in the right-of-way take area. Bernardin Lochmueller was never made aware of this, and neither were the buyers. So, now that the court appointed appraisers are out there, the property owner did bring this up. So, we need to evaluate and determine if the septic tank is in the right-of-way take area then we will need to make provisions to address that. So, it is requested that this be approved in the amount of \$325.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: That is the third or fourth time that we have had that problem though, isn't it? It seems like we have had that come up before maybe not on this property, obviously.

John Stoll: Yes, there were several other ones and that is why we ended up constructing the sewer that will run from basically the Pfeiffer property north to West Terrace Drive. This property is a little bit north of West Terrace on the west side of the road, so if it turns out that it's in the, that the septic is in the right-of-way take area connecting them, extending that sewer and connecting them then that sewer may be an option. The last item that I have got, I just want to make you aware of the fact that we are working on a project to replace the culvert on Cypress Dale Road just west of Seminary. This will be replacing existing corrugated metal pipe with a new 60' single piece of corrugated metal pipe. We will have quotes submitted here on July 1<sup>st</sup>. That is all that I have.

President Fanello: Alright, thank you, John. County Highway.

**Ralph Kissinger: County Highway**

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly report. Other than that, I have no new news to report, unless you have any questions.

President Fanello: Does anyone have any questions? No?

Ralph Kissinger: Thank you.

**Kevin Winternheimer: County Attorney**

Kevin Winternheimer: Yes, I have one matter and that is the Fosse contract that we talked about some weeks ago. I reviewed, they sent it back, I reviewed it, and he made every change, except for one, and I think that it was an omission. That was my suggestion that we eliminate the arbitration clause. The arbitration clause that's written can be very expensive to arbitrate, and I don't like them in general. But, he did not eliminate it. I put a big blue "x" through it, and if you approve it, it would be approved subject to elimination of the arbitration provisions. The second thing is, and for your information, Commissioner Fanello had asked that the estimated reimbursables be inserted in there. Under "B" for reproductions, plots, standard foreign documents, postage, handling, delivery of documents of service, he estimated that at \$1,200. Under subpart 7, Reimbursable Expenses for, let me see what this is for, just oh, other reimbursables such as necessary lifts and other devices, I guess, to make the inspections, he estimated at \$600. Everything else he inserted, even the provisions for reimbursable costs at one time, rather than two times or 1.5. So, I would recommend, that if you are ready to move on this, I assume that you have the funding, that you approve it subject to that one provision that he forgot to take out, that he may just not have understood my directions, and that is the arbitration clause. Everything else is there.

Commissioner Mosby: I would rather they take it out and bring it back to us.

Kevin Winternheimer: What I was going to suggest is that you just approve it with subject to him agreeing to take out the arbitration clause. He signed it, it is ready to go, if he doesn't have any problem with that.

Commissioner Mourdock: I will so move subject to that condition.

President Fanello: I will second.

Madelyn Grayson: Kevin, is there a document here tonight?

Kevin Winterheimer: I have an original and a copy.

President Fanello: Do we need a roll call vote?

Commissioner Mosby: I want to note the record that I am not agreeable to that.

President Fanello: Okay, Commissioner Mourdock?

Commissioner Mourdock: Roll call? Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: No.

President Fanello: No, and I will say yes, pending the arbitration paragraph be taken out.

Kevin Winterheimer: That is all that I have.

President Fanello: Okay.

Commissioner Mourdock: That is what the yes vote was, right?

**Tammy McKinney: Superintendent of County Buildings**

President Fanello: Superintendent?

Tammy McKinney: I don't have anything.

**Burdette Park**

President Fanello: Burdette Park.

Commissioner Mosby: He had car problems and needed to go home and said that he had nothing to report outside of his daily work report and I told him he could leave.

President Fanello: Okay.

**SWCD & Ozone Officer Reports**

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

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Any questions on Consent Items?

**Consent Items**

Commissioner Mosby: Motion to accept Consent Items.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: So moved.

President Fanello: You made the motion to adjourn?

Commissioner Mourdock: Second.

President Fanello: Okay, so ordered. I thought that you said so moved.

Meeting adjourned at 7:55 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Burdette Park	Prosecutor
Sheriff Department	Auditor	County Highway
Health Department		

**Travel Requests:**

Auditor	County Attorney	Pigeon Assessor
Prosecutor	SWCD	

**Requests for Service:**

DADS

**Auditor:**

Memorandum of Understanding: Computer Network-Internet Agreement.

Pass Through of WIC Supplement Fund Grant Agreement.

**DADS:**

Contract for Services: English/Spanish Interpreter: Allen Shreve

**Sheriff:**

Federal Equitable Sharing Agreement.

Weekly Jail and Community Corrections Information and Reports.

**County Clerk:** Xerox Contract.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Betty Knight-Smith	Donald Fuchs
Paul Black	Jeff Bosse	Marsha Abell
Brad Ellsworth	Les Shively	Mark Miller
Rose Zigenfus	Brad Sterchi	Eric Williams
John Stoll	Ralph Kissinger	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.**

**Vanderburgh County  
Board of Commissioners  
June 24, 2002**

The Vanderburgh County Board of Commissioners met in session this 24<sup>th</sup> day of June, 2002 at 5:33 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows. To my right, Superintendent of County Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby will be joining us in a second. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and our Recording Secretary tonight is B.J. Farrell. Please join me in the Pledge of Allegiance.

(Pledge of Allegiance was given)

**Approval of minutes  
June 10 and June 17, 2002 Regular meetings  
June 3, 2002 Space allocation meeting**

President Fanello: Do I have approval of prior minutes?

Commissioner Mourdock: I'll move approval of the minutes of June 10<sup>th</sup> and June 17<sup>th</sup>.

Catherine Fanello: I'll say second and so ordered.

Commissioner Mourdock: And also we do have the minutes from the space allocation meeting, and I don't recall the exact date of that but it was June...

Suzanne Crouch: Third.

Commissioner Mourdock: June 3<sup>rd</sup>, I'm told, so I would move approval of the June 3<sup>rd</sup> space allocation minutes.

President Fanello: Second and so ordered.

**Permission to advertise  
Notice to bidders for VC02-07-01/Concrete repair of various roads**

President Fanello: The next item is permission to advertise Notice to bidders for contract #VC-02-07-01/Concrete repair of various roads.

Commissioner Mourdock: And I would move approval of that advertisement.

President Fanello: Second and so ordered.

**Discussion of leased space  
Betty Knight Smith**

President Fanello: And the next item is the discussion of leased space for Betty

Knight Smith, the Recorder's office. Is there anyone here who has any additional comments?

Commissioner Mourdock: My comments, and as I recall, the way we left this last week was just to see if there was new information. I have, again, spoken with the Recorder, been down in the office, and the comment that I made last time, I think, is still reasonably appropriate, so I'm still comfortable with that.

President Fanello: Commissioner Mosby, we have just now reached the item of the leased space in the Recorder's office, and I've asked anyone in the audience if they have any additional comments and it doesn't look like there are any. Do you have any additional comments?

Commissioner Mosby: None at this time.

President Fanello: Okay, and so how would the board like to proceed?

Commissioner Mourdock: Seeing that there is need for the space down there without question, I think as I said last week, the only question is, is how the companies who are there, how are they asked to exit the space. We know that one company is clearly positioned to be there through the end of July of next year, and I think the only question is do we grant that as a courtesy to the other companies or do we just grant one company that – well, it isn't a right, it's our obligation to provide that based on the terms of the lease.

Commissioner Mosby: I guess my opinion is, one company took advantage of the clause that was in the contract and...I guess it's my opinion that I would vote, I'd have to vote that the one company stays because they executed the clause in the contract, but as far as I can see, the Recorder needs the space. It's her space and I'm still going with the will of the officeholder. I'm not going to try to run her office, so I know the Recorder has talked to me on a couple of different occasions, expressed an interest in having that space and it would be my position to vote to leave the one company there and try to work with the other three to find space available.

Commissioner Mourdock: On a somewhat unrelated, but not (inaudible) I just want to put one comment in the record here, too, because I know there have been several comments about if the office were fully up to Internet capability, that this issue wouldn't be there. And it's my understanding, and anyone from the Recorder's office certainly is free to chime in on this, but even if we had, I think the best Internet technology that we could possibly have in that office, there will still always be a need for the abstracters to work out of that space because I don't think we're ever going to see the day when we get every single book, and every single deed record, and every single leasehold interest document online, so I just want to make that point. So my point is the abstracters are still going to be working out of that space even with more Internet usage.

Don Fuchs: Can I make a comment?

President Fanello: Yes, please come to the microphone and just state your name.

Don Fuchs: My name is Don Fuchs. I'm Vice President of Southwestern Indiana Land Title, one of the five abstract companies that is going to be affected. What I'm

hearing on the discussion this evening is something that – I guess what I'm not hearing in the discussion this evening is something that was discussed last week, and that was about, I think we were going to take a week to look at some of other available space in the county buildings, most particularly, the room across the hall from the Recorder's office, and I'm just curious if there's been an opportunity to do that and not only that space, but as well as other space within the county building.

Commissioner Mosby: Yeah, my question to Richard was what we found out on – Richard, I'm sorry, to Kevin was what he found out on the Election office.

Kevin Winternheimer: I looked through the statutes and regulations and the only statute that pertains to the Election office is that the Election office is to be in the county courthouse or some other conveniently located building. Now, it doesn't have to be in the Civic Center in that particular case. There was some question raised at the last meeting about security and what security needed to be at the building. And I called the Election Commission, and there is no rule, regulation or statute on the level of security that has to be around the Election office. That is at the discretion of the Commissioners. And I talked to the gentleman who's name was Dale, with the Election Commission, Division of the Secretary of State's office, and he said that's the call of the County Commissioner on what level of security. One suggestion was the Old Courthouse, so that's your call. There's no specific requirement on the level of security.

President Fanello: So what is the consensus of this board then?

Commissioner Mosby: Then it would be my pleasure that we work with the County Clerk to see about immediately maybe moving the Election office over to the Old Courthouse. We've got a couple of rooms over there that I know are already fit, that could be used and probably have as much space or more than we've got now. So the possibility that we work with them and we can look at opening up the space down in the Election office.

President Fanello: And just to bring you up to speed on what happened in our space allocation meeting, Dave Rector, who is the Director of the Building Authority, has submitted his plans to a company today to have the drawings for the Civic Center scanned into CAD and he's going to help us do some modeling as we try to redefine our space within the Civic Center for our five to ten year long-term plan. So we're looking at allocating space throughout the building, but I know the County Clerk called me the other day and she is more than willing to move the Election office to the Old Courthouse.

Commissioner Mourdock: So let's play what if for a moment. What if we do that? We then have opened up the Election office for space. Are you thinking we would use that space for either A) some purpose to resolve this issue? In other words, put some or all the abstracters in there, or B) use that space to put the marriage records in that the Clerk has expressed her concerns about before? Or C) none of the above?

Commissioner Mosby: It would, I can answer that. I mean, it would be my pleasure that the marriage records will go in the Recorder's office like we talked about previously last week. My second suggestion would be that whatever space we come up with available in the Election office will be offered to the abstracters. Now if three of the abstracters or four of the abstracters agree to take that space, I

mean, they're going to have to take all the space as far as I'm concerned. And that space will have to be paid for at the same rate we pay for it so that we're not subsidizing in any way, some part of that space that the abstracters are going to be occupying. And if the four abstracters take it and the fifth one stays in the Recorder's office for one year, and there's no space available to that abstracter after that given year, that abstracter is on his own.

President Fanello: Well, I was just going to say that I think we ought to, if they do move into the Election office, and that's a nice, sizable office, that a minimal amount of space should be given the abstracters in case we also need that space for another office within the Civic Center or for somebody that may need to utilize it for storage or for any kind of office space whatsoever. I don't want to leave out our own offices, so that's my first concern is our offices within the Civic Center.

Commissioner Mourdock: Yeah, I would wholeheartedly agree with that, the idea of all or nothing, I don't think is where we want to go with that.

President Fanello: So I would say that if we're going to do that, that they, you know, they operate out of the smallest amount of space possible that they can operate out of.

Commissioner Mourdock: I'm curious if any of the abstracters have a comment regarding that space across the hall.

Don Fuchs: Again, Don Fuchs on behalf of Southwestern Indiana Land Title. An issue that I brought up with Kevin, and Kevin, correct me if I'm wrong on this area, but unless that space becomes part of the space of the Recorder and under her jurisdiction, it would be of little value to abstracters, for us, to be moved across the hall because then we would not have access to her books and records. That's the whole reason we need to be in her office, is to have ready access to her books and records. So if we're across the hall in space that is not within her jurisdiction, again Kevin, correct me, is that we then would not be able to take a look at her books and records and so it would be a great hardship on us. What we're looking for is something within her confines.

Commissioner Mourdock: I'm confused. What – within her confines, within her jurisdiction, means. Obviously, any member of the public can go in and look at any of those records at any time. How does being across the hall prohibit you from doing that or limit or restrict you or otherwise be negative?

Don Fuchs: That is a very good question. It is very useful to us to be able to have the books and records there in front of us on the work tables that we rent so that we can view them, view the microfilm cards and all other documents in a record. And then if we don't have access to those records, because we cannot physically remove those from her office, take them across the hall, so that we could spread them out on our work tables where we work. That's the problem that I envision.

Commissioner Mourdock: Okay, so under the auspices means that you would need to have the authority to pick that book up, carry it across the hallways, put it down in space –

Don Fuchs: And let me tell you, I mean, as far as – I'm just one of the five abstracters. I don't have a problem with that. I just wanted to make sure that we're

doing something that's fully in compliance with the statutes and the law. And again, I don't have the expertise that Mr. Winternheimer does in this area, but that's always been my concern and my understanding of the law, you cannot remove books and records from her office.

Kevin Winternheimer: And that is correct. That's a correct statement of the law. So he is right. That space would have to be part of Betty's office in some manner for the books or records to be taken there.

Betty Knight-Smith: We have around 40 people in there today looking at the books, and there's tables and there's a long table for them to sit at, so there's no reason for them to take the books out of that office. Those tables are there. You saw them. So all the independent abstracters come in and look at them there, so why can't the rest of them? They cannot take them out of the office.

Jeff Bosse: I'm Jeff Bosse, and I'm here on behalf of Century Title. Several things, first of all, I'd like to echo what Don Fuchs said. One of the problems is – there are, I believe, like two tables there, is that right, Betty?

Betty Knight-Smith: There's one long table all the way across in the back. There's two big tables there.

Jeff Bosse: But I've gone over there numerous times, not nearly as often as Betty, but I've seen when those are full now, and if you take the people out of the leased areas and pour all of them into the same areas, it's going to greatly complicate and make more crowded and more difficult this work. Also, it may be necessary for us to hire additional people because of trying to keep up with what's going to set us back here if we lose that lease space. Unfortunately, Mr. Mosby's idea of us trying to divide the Election space into like three and trying to rent that, I don't recall exactly how big that is, but it seems to me that would be absolutely, prohibitively expensive to do that. I don't think that that's a workable solution. But it seems to me moreover, that you're looking at the greater picture and you're trying to find how best to use these limited and undersized facilities, and it seems to me it would make more sense to come up with a computer drawing and decide how you want to use this entire building rather than make piecemeal decisions today or tomorrow, which you may have to undo at some later time. But I just would really recommend that you postpone this until that you have an opportunity to look at the greater picture and see how best this building can be utilized. Thank you.

President Fanello: Well, I think we've heard, unless, does anyone else have anything else you would like to add? This board would like to make a motion to some kind of a...

Commissioner Mourdock: I'll come back with my motion of last week and that is that obviously this is a problem that's not going to be solved in another week, six months or a year. I like the idea that yes, we can do something with the Election office. I think that does provide us some additional space that could, in fact, fall under the auspices of the Recorder and maybe give us some space over there for the permanent solving of some problems, maybe not with the – well, for things like the marriage records that probably wouldn't have nearly the number of people accessing them as what the normal mortgage records and land lease dead records would have. I'll, again, move what I put on the floor last week which is that we give all of the abstracting companies until July 31<sup>st</sup>, 2003, at which point all of them

would be vacating that space.

Commissioner Mosby: I'm not going to second it.

President Fanello: Motion dies for lack of second. Commissioner Mosby, do you have a motion that you would like to make?

Commissioner Mosby: My motion would be the same as I already said a minute ago. I would honor the lease of the one that took advantage and executed the clause to renew their lease. I would continue to work with the other abstracters on the Election office which I'm hearing now is probably not satisfactory to them if they can't take the books out, but I didn't understand that last week or didn't hear them say that. But it would be my motion to let the Recorder have the space back and we go ahead and execute the lease with the one that did execute their option.

President Fanello: I'm going to second that motion. The one company did go ahead and take advantage of the clause in the lease contract. My first concern has to be the space within the Civic Center and we have to take care of our own people first. But in the event that we can come up through, as we do this long-term master plan, and I would hope that it would be done before six months, that we would work to this five year plan of allocating space. If space does become available, I would be more than willing to entertain the possibility of them, you know, moving back into the building at some point in time. But until then, our first concern has to be the Civic Center and the fact that the Recorder has requested that space in her office, I have to honor that request. So I will second your motion.

Commissioner Mourdock: And Tammy, could you report to us next week as to what spaces over in the Old Courthouse might be most appropriate for the Election's office? And then following up with that, I do see the Election's office as having real utility to the Recorder. And Betty, I might ask you and your staff, if you had that space or a significant part of that space, are there certain records that you might put in there that could be – that are typically not being used by the abstracters, so this question of carry books out and across the hallway might not be an issue.

Betty Knight-Smith: I'd have to look at that.

Commissioner Mourdock: Yeah, you'll need to come to the mike. Certainly if, I'm assuming if the marriage records that Marsha is concerned about were in there, those are not the types of things that would very often be looked at as having to go out across the hallway.

Betty Knight-Smith: I think there's a lot of people that want copies of the marriage certificate. That's where she's got a problem there, so it would probably be utilized a lot more than you think it would.

Commissioner Mourdock: But would it require them leaving actually, fiscally that room and going somewhere else if they were just making copies, I presume they do that everywhere.

Betty Knight-Smith: They could probably take that over there. I don't know. That would be up to her there.

Commissioner Mourdock: Are there any other things that you have that you might

be able to put in there?

Betty Knight-Smith: We've got books that are very old in there that possibly could be moved, but we'd have to take a look at them.

Commissioner Mourdock: Sure, because obviously you need space. I understand that, I'm just trying to work all ends against the middle here.

President Fanello: Okay.

Kevin Winternheimer: Just for point of clarification. Should I send notice out to the one company that their lease is terminated effective July 31, 2003 and to the other companies, that their leases are terminated at the earliest possible date, which would be September 1<sup>st</sup> of this year? Is that the intent of the Commission?

President Fanello: Yeah.

Kevin Winternheimer: Okay, I just wanted to make sure that was the case. We will do that.

President Fanello: Okay.

**Award of Personnel Policy Review VC-29-2002**

President Fanello: The next item on the agenda is the award of personnel policy review and I personally have not had enough time to make a decision on that. And I don't know about the rest of the board, but my suggestion is to hold that for one week.

Commissioner Mourdock: I'll move that we defer for a week.

Commissioner Mosby: Second.

President Fanello: Okay, so ordered.

**Second/Final Reading of Ordinance Repealing Motor Vehicle Inspection Fee**

President Fanello: The next item is the second and final reading of the ordinance repealing Motor Vehicle Inspection Fee.

Kevin Winternheimer: I don't know if anybody is here to speak. I've heard – I've had no comment from anyone, if anyone in the audience has any comments on it?

Commissioner Mourdock: And seeing none, I'll move on final approval and second reading the amendment to repeal the ordinance for repairing motor vehicles inspection fee.

Commissioner Mosby: I will second that.

President Fanello: So ordered.

**Public comment**

President Fanello: Is there anyone in the audience wishing to address the board?

Phil Lawrence: This morning at the Board of Public Works we opened the bids for APA-013-2002 tire and tube bids, and APA-033-2002 trash hauling. And I have a brief summation of that.

Commissioner Mourdock: You're just looking to take these under advisement?

Phil Lawrence: Yes.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Another item, the salt bid for this year, they laugh, we're going to make sure that we get them in properly and on time. I have talked with the city and they – if it's okay with the Commissioners to do a joint bid, 10,000 tons instead of five, perhaps we'll get a better price. We intend to advertise on July 5<sup>th</sup>, July 12<sup>th</sup> and open the bids on July 22<sup>nd</sup>, so we'll be ahead of the game.

Commissioner Mourdock: Okay, I would formally move that the county work with the city for joint bid for 10,000 tons of salt for the winter of 2002 - 2003.

Commissioner Mosby: I would second that.

President Fanello: So ordered. Thank you. Appreciate it.

Commissioner Mourdock: 97 degrees, 80% humidity and we're talking about salt.

President Fanello: Okay, is there anyone else in the audience wishing to address the board?

Harold Gourley: President Fanello, Commissioners Mourdock and Mosby, I'm Harold Gourley, residing at 8087 Old State Road. I just had a question. I'm hoping the Commissioners might have some positive news to share with us today in regards to the Mt. Pleasant Road project. Any progress being made?

President Fanello: Well, I think we had some mis-communication last week –

Harold Gourley: Well, there was a virus in our communication – you're right –

President Fanello: Communication broke down, but Rose Zigenfus, who is the Director of Transportation was here and John Stoll, the County Engineer was here. And he is on vacation until next Monday, so how does the Commission want to proceed? I know, Commissioner Mosby, you talked about possibly going out and meeting with some of the residents and –

Commissioner Mosby: Which – whichever way. I mean, John's not here tonight,

he's out of town. We can either schedule Rose to come back again because we really didn't get into a full discussion because none of the neighbors were here. We can either schedule for Rose to come back here or we can go out on site. I don't have a problem either way.

President Fanello: How would you like to proceed, Mr. Gourley?

Harold Gourley: Well, I apologize for not making an executive decision, but really, we're still concerned about what's going to happen to our community. See, have any impact studies been made in regards to the overall transportation – the overall environment, the character of the – there's just a lot of questions that haven't been answered.

President Fanello: And those are questions that Rose probably could have answered to a certain degree for you last week, if we would have all been – so it might be a good idea for us to do both things, which would be, Commissioner Mosby, maybe you go out and take a tour with the residents and talk with them. And then we all get back in here one more time with the Director of Transportation and John Stoll, and that way we everybody can get their questions answered. Does that sound acceptable?

Commissioner Mosby: The Sheriff was here last week, too, and –

Harold Gourley: I had a lot of phone calls last week and then –

Commissioner Mosby: We might want to get the Sheriff and talk with him, too, because he did have the accident.

Harold Gourley: Oh, I have talked to the Sheriff. I have those statistics 41 accidents since 1993, 41 accidents – 11 injuries, no fatalities, I have all those statistics and stuff, but –

Commissioner Mosby: But I think that intersection rate is like the 5<sup>th</sup> highest intersection in the county that we have to deal with. So, I mean, that's one of the things that we're looking at.

Commissioner Mourdock: Yeah, you need to get a copy of the minutes from last week. I think it was 7<sup>th</sup> –

Commissioner Mosby: Yeah, 5<sup>th</sup> or 7<sup>th</sup>. I mean, he had all the intersections in the county rated and that one was up number 7<sup>th</sup>.

Harold Gourley: I haven't seen it. I'd like to have a copy of the minutes where that was discussed if I may.

Commissioner Mosby: We can get you a copy of the minutes.

Harold Gourley: That would be really a surprise to me, but with all the intersections in the county, it would rank that high.

Commissioner Mosby: It surprised me but he explained why it ranked that high and the type of accidents that occurred out there rather than just having an accident, it's the type of accident that we're dealing with. She's going to get you a copy of the

minutes. When John gets back I'll get with you, we'll come out there and do a walk through.

President Fanello: And then we'll schedule a time on a Monday night to have Rose back in here, Rose Zigenfus, who is the Director of Transportation, or not Director of Transportation, but Director of the Evansville Urban Transportation Study Department.

Harold Gourley: What am I communicating to our people then, next Monday, July the 1<sup>st</sup>? Or what are you recommending?

President Fanello: John Stoll is gone all week this week, so it would be my wish that John and Commissioner Mosby get together next week and come out and talk to you, maybe get a group together and come out and talk to the residents and he can report back to the board on what's going on with that. And then we get Rose back in here one night and we all get in here and get our final questions answered and make a decision.

Harold Gourley: We do need to have a little leeway in order for people to –

President Fanello: Oh, that's – uh-uh...no, we'll –

Commissioner Mosby: And Miss Zigenfus is out of town the next two weeks.

President Fanello: Is she?

Commissioner Mosby: So that's going to eliminate the first and the eighth, which is what she told me, so we'll be looking more at the 15<sup>th</sup>.

President Fanello: At the 15<sup>th</sup>? July 15<sup>th</sup>, does that sound acceptable?

Commissioner Mosby: But me and John will be out next week when he gets back.

Harold Gourley: I gotta understand vacation time, too, vacation time, and one of our people is going to be in Boston on the 2<sup>nd</sup>, or the 1<sup>st</sup>, so I'm sure that will make him happy, but –

Commissioner Mosby: And nothing is going to happen. The project is not going to proceed without., you know, us getting back together and –

Harold Gourley: Well, we appreciate hearing that, we certainly do appreciate your –

President Fanello: We'll wait until we all come to a consensus.

Commissioner Mosby: We're not going to start on it.

Harold Gourley: 15<sup>th</sup> of July, when we're talking about?

Commissioner Mosby: Yeah, if Rose should be back. I think she said the 15<sup>th</sup>, is what she told me.

President Fanello: Okay, well why don't we plan on the 15<sup>th</sup>.

Commissioner Mosby: We'll schedule for the 15<sup>th</sup>.

President Fanello: Is that acceptable to you, Commissioner Mourdock?

Commissioner Mourdock: Sure.

Harold Gourley: Well, I do appreciate your understanding and your listening and again, my apology for last week, (Inaudible).

President Fanello: We thought you probably were.

Harold Gourley: Alright, thank you very much.

Commissioner Mosby: Thank you.

President Fanello: Is there anyone else in the audience wishing to address the board?

<b>New Business</b>
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President Fanello: Any new business to be brought before the board?

Commissioner Mourdock: Yeah, I have one item here that's insignificant in the big picture. I don't know if you have received this letter from the Allen County Commissioners, I received this today, that apparently they have the interest and it's signed by a Sandra Flume, who I have not met, but they have the interest in trying to form sort of a subcommittee under the Indiana Association of County Commissioners for the urban counties. And obviously, Allen County being the second largest county in the state, Vanderburgh being the seventh, our county commissioner concerns are oftentimes quite different than some of the smaller rural counties. So they are looking to see if we might want to join with them to form such a committee as I mentioned, and so I'll pass this on to you and I told them I'd present that or I'd send an e-mail to them. This looks like an interesting concept to me because clearly, when you go to the meetings of the County Commissioners, we do deal with a lot of different things than they do.

President Fanello: I have one matter of new business I would like to bring up and that has to do with the budget. And I have spoken with Suzanne through e-mail about the Local Road & Street fund. And it was not – I really discovered this when I was working on the budget this year and know a lot more what to look for this year than I did last year. And I discovered that our Local Road & Street fund was shorted \$2,000,000 because the Council chose not to put \$3,000,000 worth of Local Option Income Tax money into Local Roads & Streets. And Local Roads & Street is a fund that cannot live off of the state distribution that we get, so it is subsidized by the Local Option Income Tax money. My concern is, we have some very big projects on the books that have a deficit right now and do not have complete funding. My second concern is that the Commissioners were not formally made aware of this and, as you all know, we don't really get into revenue estimates or anything, that is really something done by the Auditor and the County Council. And so I would like to know why this decision was made without informing the Commission, exactly what they were doing with the Local Option Income Tax money and why we would take \$2,000,000 away from our roads and streets when

we have big projects. And if anybody noticed the article on Friday about the Lynch Road project, that is one of the projects that we're short some money on, and that is a very positive and significant project to economic development in Vanderburgh County. And I would just like to know what the rationale was for this and what the \$2,000,000 was used for.

Suzanne Crouch: Well, Commissioner Fanello, I am sure you know that COIT is a source of revenue not only for the General Fund but for Local Roads & Streets for the USI bond issue, for the Azteca bond issue, and for the Vanderburgh Industrial Park bond issue. And the amount of COIT that is used to finance or used for the funds is determined by the budgets that are submitted by the bodies. With Local Roads & Streets, the Commissioners have the responsibility to submit the budget. Council has the responsibility to fund it. Now if you have budgets that warrant additional appropriations or additional revenues, then you need to reflect that in your budget. The past two years, the Local Roads & Streets budget has declined by over half a million dollars. The three years prior it had increased, the budgets that were submitted to Council by over a million dollars. So the amount of revenues are dependant upon the budget that is submitted. And Motor Vehicle Highway money, as you well know, has decreased, and the operating budgets for Local Roads & Streets have been healthy and sound. So the budgets have been fully funded and the operating balance for the funds, not only Local Roads & Streets, but for the General Fund, have been ample. In addition, we have been under our maximum levy and have declining tax rates for the past seven years. So if you have additional road projects, then it is the Commission's responsibility to submit that in the budget. Now I share your concern. Let me tell you what I'm concerned about, that as Commissioners, you also ought to be concerned about, and that is the fact that next year, because of the Reassessment and because of the fact that the township assessors have not, not have any deadline on when to send out their Form 11's, that we, the taxing units, could be without revenues next year, because if the Form 11's don't go out, and the tax bills don't go out, then we're going to be in a situation where we're either going to have to borrow money or we're going to have to go to our large taxpayers and ask them to go ahead and submit funds in advance or pay their tax bills in advance of receiving them. So, you know, the big budget picture is extremely complicated and this next year is going to be a very precarious one.

President Fanello: Well, I had run across an article in the Association of Counties' magazine that dealt with that and I had sent a copy to each of the Councilmembers about that, so I was aware of that. But the problem was, and I think you played a little bit on semantics there, is that last year, and I can go back and pull out the e-mail, was that you told us to cut money out of some of these budgets because there wouldn't be enough. And I don't think it was ever explained to us that \$2,000,000 of COIT money would not be put in to Local Roads & Streets.

Suzanne Crouch: If you're referring to Highway –

President Fanello: No, I'm not referring to Highway, I'm referring to Local Roads & Streets.

Suzanne Crouch: Part of it is because the Motor Vehicle Highway revenues from 2001 to – or from 2000 to 2001 decreased for Local Roads & Streets by half a million dollars. In addition, the Highway decreased, and I'd have to check my –

President Fanello: How can, how can the Motor Vehicle Highway distribution into Local Roads & Streets have reduced by half a million dollars when I'm looking at since 1998, in '98 we received \$703,000, in '99 we received \$721,000, 2000 we received \$745,000 and in 2001 we received \$716,000 and you sent me an e-mail that we were estimating \$794,000 for this year, so how did it drop a half a million dollars?

Suzanne Crouch: It dropped from 1.2 million to \$794,000 from last year to this year. So I don't know where you're pulling your –

President Fanello: I'm pulling them right off of your reports.

Suzanne Crouch: Then you may not be looking at the proper accounts because the public law was repealed that provided for additional –

President Fanello: I'm not looking at Public Law, I'm looking at the Motor Vehicle Highway distribution which has run about the same since 1998, which has been in the \$700,000, so there is no drop in the Motor Vehicle Highway distribution.

Suzanne Crouch: There was a drop in the funding that the Public Law provided, which was additional revenues to.

President Fanello: That I'll agree with you, but I'm not talking about Public Law right now, I'm talking about the Motor Vehicle Highway distribution to the Local Roads & Streets.

Suzanne Crouch: I think you're kind of talking about semantics, too.

President Fanello: But that does not – well, if it dropped, even more so, why were we shorted \$2,000,000 from the COIT money if we're losing money –

Suzanne Crouch: Why would you need more operating money than you –

President Fanello: We had probably about three or four million dollars worth of projects we could have put in the budget last year but we were told that we could not put them in there because there wouldn't be enough revenue, and we didn't even fund this year's budget because you've estimated revenue at this year at \$1,794,184 and the actual budget for the Local Roads & Streets this year is \$2,816,267. So we didn't even fund the entire year's budget.

Suzanne Crouch: But your cash balance grew from January 2000 from 5.8 million to this year of 8.9 million, so you know, Commission–

President Fanello: Well, I'm going to go through it – no, I've got it right here. I'm going to go through and explain. Our cash balance at 1/1/02 was \$8,984,158; 2002 estimated revenue \$1,794,184. Take away the 2002 budget of \$2,816,267 dollars, take away the commitments from the prior year at \$6,632,080, take away the additional appropriations to date which are \$200,000, take away the anticipated additional appropriations for the remainder of the year which John has estimated at \$400,000, which I believe he told me the other day would be higher than that, leaves us an unappropriated balance of \$729,995. Now we have the Lynch Road project which we need to start buying right-of-way. And Warrick County assumed that we were going to start buying right-of-way this year and so did I, and that is

\$1,250,000, we are short \$1,030,453 on the University Parkway project, which really leaves us with a deficit in Local Roads & Streets of \$1,550,458. I mean, these are projects we have on the books that we need to commit money to.

Suzanne Crouch: Then they need to be in the budget.

President Fanello: Suzanne, they were asked to be in the budget, we were told that the estimated revenues wouldn't be that high and not to put – I've got the e-mails were you told us to cut some from the budget. But unfortunately, I took for word what the Council and the Auditor were telling me and didn't do enough research on my own to find out what we were looking at here. I mean, I'm just upset that \$2,000,000 of our Local Road & Street money or the COIT money was not put back into Local Roads & Streets and I'm wondering what was the \$2,000,000 used for. Was that the \$2,000,000 used for the jail project?

Suzanne Crouch: The COIT is the major source of revenue outside of property tax for the General Fund.

President Fanello: So you don't know what the Council wanted to use it for?

Suzanne Crouch: The amount of money that is put in General Fund and in Local Roads & Streets varies from year to year as you well know, based upon the property tax money, based upon the operating balance, based upon the cash balance, and the Local Roads & Streets over the past 15 - 18 years, the amount of COIT that has been put in there has ranged anywhere from \$354,000 to \$3,000,000 from year to year.

President Fanello: I was just going off – I just went back and looked at a four year history, and looking from 1998, there was two and a half million in 1998, three million in 1999, three million in 2000, three million in 2001, and then we went to one million in 2002.

Suzanne Crouch: And as your cash balances grow, –

President Fanello: Cash balances are not growing in Local Roads & Streets.

Suzanne Crouch: – and your operating budgets, the operating balance is where it is, then there is no reason to put additional COIT in unless you increase your budget. And unless you ask Council for that.

Commissioner Mosby: How are operating budgets growing, cash balances growing when we're sitting here telling you we're a million and a half in debt? If we tried to do – I just talked to Steve Sherwood on Thursday, and he's under the impression that we're going to move forward on Lynch Road. We're sitting here, we need a million two for right-of-way buys and we've only got \$700,000. Where are you getting this substantial cash balance that you're talking about?

Suzanne Crouch: Well, when you look at the January cash balance for Local Roads and Streets, it was 5.8 million in January of 2000. This year it was 8.5 million.

Commissioner Mosby: But there's money committed out of that. Why are you – are you saying that we're not going to pay our bills for the people out here working today? I mean, you can't call eight million a cash balance when you've got work on

the books that's being done. I mean, Burkhardt Road is being worked on. I mean, that's a contract you've got to pay for. You don't have a cash balance when you've got a contract laying there that you owe \$5,000,000 on.

Suzanne Crouch: It's also not fiscally conservative to keep carrying forward huge encumbrances and not be spending them.

Commissioner Mosby: The contract, we'll pay the contractor when he's due his money. I mean, you don't pay the contractor until he's finished the job. I mean, so these contracts, I mean, they're two and three year deals. I mean, you don't build a road in 30 days.

Suzanne Crouch: I agree.

Commissioner Mosby: I can't help you're going to carry forward four or five million dollars and I'm sorry if the Council don't do their job and you don't do your job, but you ought to know how much of that money is out there that's already spent.

Suzanne Crouch: You know –

Commissioner Mosby: To call it a cash balance, I mean, that's very –

Suzanne Crouch: You know, I have to take offense at me not doing my job, David.

Commissioner Mosby: You're telling me you've got a cash balance of eight million dollars. Go look at the contracts we've got signed that cover that eight million dollars.

President Fanello: Well, I'm going to see –

Commissioner Mosby: What bothers me more than anything is two years ago, you took a million seven and the Council took a million seven out of Economic Development and Infrastructure out of the Riverboat that we didn't know about. Now this year, you take two million out of COIT that we didn't know about. It would be nice if somebody would relay to the Executive body that we're taking your money. We're going to spend it elsewhere, instead of saying we are fiscally conservative. I think that's a little bit of a wrong approach to give to the public because you've just cut their roads and streets by \$2,000,000.

Suzanne Crouch: The Local Roads & Streets budget that has been submitted has never been cut to my knowledge.

Commissioner Mosby: So what happened to our three million? It's now at one million. It was three million in '99, 2000, 2001. It was two and a half million in '98. Now it's a million.

Suzanne Crouch: I would suggest you submit a budget that would reflect and warrant increased COIT.

President Fanello: And the budget would have been submitted had you not told us that the estimated revenue would not be that much for that –

Suzanne Crouch: And I believe without having reviewed the e-mails that you're

talking about, that we were talking and discussing Motor Vehicle Highway.

President Fanello: So, I mean, the fact is, yes we had \$8.9 million dollars, but we also have a budget of almost \$2.9 million this year and 6. – I'm going to round it off – 6.6 million worth of commitments. So your money is committed, you don't have an ample amount of cash balance just laying around there. And we have other projects that we need to get to. I know the Green River Road widening project is something that I've talked about and would like to pursue. We've had residents approach us about the County Line Road project. We've had a resident approach us about Lyle Road project, we have the effect of I don't know what the storm water management rules are going to do to us and we have to hire a consultant for that, so you know, we're not, we don't have an ample amount of cash balance. And I would just like to have been told where the \$2,000,000 is being used, which I think I have a good idea that that is the amount of money being used for the jail project fund, which proves my point that I said last year, we cannot do this project, meaning the jail project, without raising taxes. And this county does not have surplus cash balances

Suzanne Crouch: But this county also has been under the maximum levy for seven years.

President Fanello: It doesn't do any –

B. J. Farrell: Excuse me. I'm sorry. Can I change the tape?

President Fanello: Yes.

**(Tape changed)**

President Fanello: It doesn't do any good to tout low taxes when you are offering substandard services.

Suzanne Crouch: Well, it doesn't do any good to tax and spend, either. So, I mean there has to be a balance. But, I would like to review my e-mails because I believe we were referencing Motor Vehicle money, I don't believe that we were referencing anything, Commissioner Fanello. So, that is just twisting things just a little bit.

President Fanello: Well, I believe, Suzanne, that you knew that we were both new Commissioners and maybe didn't know all of the questions, answers, and you could have been helpful and been up front and honest about what we were dealing with and what to look for and instead it is another roadblock in moving Vanderburgh County forward.

Suzanne Crouch: And there is always another excuse, too.

Commissioner Mosby: What is our cash balance in the General Fund today?

Suzanne Crouch: I can tell you the unappropriated balance. Is that what you are wanting?

President Fanello: That is the only one that matters.

Commissioner Mosby: Yes, the unappropriated. I don't consider it a cash balance

if it is spoken for.

President Fanello: I am going to make some new suggestions on some new reports that we need-

Suzanne Crouch: It is a little over \$1.4 million.

Commissioner Mosby: That is our unappropriated cash balance?

Suzanne Crouch: That's correct.

Commissioner Mosby: So, we really couldn't even ask for that \$2 million back because we don't have that much money.

Suzanne Crouch: You can submit budget requests to be funded out of the special COIT that was set aside.

Commissioner Mosby: How much is that, how much is there?

Suzanne Crouch: That's a little over \$2.4 million. That's the special one time distribution of COIT that the Council set aside.

Commissioner Mosby: That is the windfall that came down?

Suzanne Crouch: That's correct. So you can submit an appropriate request for that.

Commissioner Mosby: That might be what we have to do.

President Fanello: It might be because I am not delaying this Lynch Road project into 2004. We saw an article in the newspaper and I brought it with me or did have it with me. You know that showed what kind of relief this Lynch Road project would bring to Vanderburgh County and the east side and relieve the traffic off of Morgan Avenue and I am not delaying this project until 2004, this project needs to be done now, we need to acquire the right-of-way and we need to go ahead and let construction being in 2003.

Suzanne Crouch: And I would submit my appropriate request to that effect.

President Fanello: Are there any other questions or comments? Okay. Before I finish let me go ahead and let you know of the three reports that I would like to see. This year for budget, for our budget book, and if the Councilmembers do not want it this way I suggest maybe the three Commissioners accept these reports, but I want to see a budget book this year that shows revenues and expenditures. Not just a budget book that shows expenditures. I would like to see monthly financial statements that show revenue and expense. If you want to take a good example, maybe take an example from the City Controller's office. They do a very nice monthly financial report. I would also like to see this County do a comprehensive annual financial report that is submitted to the Government Finance Officers Association for review. It is a report that the City has done for the past, I don't know how many years, and has won an award on and I would like to see this county do it and I think that will help everybody stay informed about financial reporting so that everyone is looking at the same types of information. Because obviously, communication is not getting to all of the elected officials about revenues and expenses in this county.

Suzanne Crouch: I think those are excellent suggestions and I would ask that you go to Council and ask for the funding for the Auditor's office so that we can submit that report, I also presume that since the Controller's office has done such a wonderful job with the revenues that City Council's concerns are not valid.

President Fanello: No, I am not talking about, I am talking about under the former Mayor, Frank McDonald, not under the current Mayor, thank you for clarifying that for me. Under that former Mayor, we had excellent financial condition, not in the state that we are currently in.

Commissioner Mosby: Well, how much additional funding do you think you would need?

President Fanello: Absolutely none.

Commissioner Mosby: Well, I was going to say, we are just talking about a report.

President Fanello: There is no funding needed whatsoever to put these reports together. These reports were put together in the Controller's office with no extra bodies and no additional funding. So, I will expect that the Auditor's office can seek out how they can do these reports.

Troy Tornatta: Troy Tornatta, County Council. I had asked for a report like this and I thought that we were getting these anyway. I had asked you for that report when we started budget hearings last year about trying to get us some revenues for this year so that we would have some ideas. So, I don't know if this is totally a new theory that has come off. Were you planning on doing that for this year?

Suzanne Crouch: Certainly.

Troy Tornatta: Huh?

Suzanne Crouch: Certainly, if Council requests. Absolutely.

Troy Tornatta: Okay, and that was just, I had asked for that last year so I think they maybe had plans on doing something.

President Fanello: So, are we going to get a budget book then that shows revenues and expenditures?

Suzanne Crouch: We prepare our budget book for Council, so I will ask.

President Fanello: This commission is the executive body for Vanderburgh County and I as president of this commission request that these three commissioners receive a budget book that shows revenues and expenditures, and I think that's perfectly within our realm of statutory authority. We answer to the taxpayers just like the Council. I expect all of the financial information to be known to each and every Commissioner.

Suzanne Crouch: And we have always prided ourselves with providing whatever information is requested of our office. So, certainly that information will be provided to the Commissioners.

Commissioner Mourdock: Was that New Business or Old Business?

President Fanello: That was new business.

Commissioner Mourdock: Was that the last of the New Business?

President Fanello: Unless anyone else has any New Business?

Commissioner Mourdock: I have one item and I am not sure if it's New Business or Old Business, which is why I asked. Regarding the Baker Daniels bill that isn't really a bill, Catherine, you and I spoke briefly on the phone. I think you have seen a copy of what I sent off to Mr. Pittman. Did you see the reply he made to me?

President Fanello: Yes, I have it right here.

Commissioner Mourdock: Okay, it's, did you get your's blown up?

President Fanello: Yeah, I blew mine up, I can't read that small print.

Commissioner Mourdock: Only an attorney has a font this small. Basically, in my correspondence to him, I questioned about, sorry Kevin

President Fanello: Don't offend our wonderful county attorney.

Commissioner Mourdock: For the record, I've not seen Kevin do anything in this fine a print. We, I questioned about \$15,000 in billings, in line items that he included in what he said wasn't truly a billing. I will make several points, first of all, well let me just ask the question. Is it still the will of this body that we do not pay bond counsel until the end of the project or until the issuance of bonds, because clearly he had been lead to believe based on his correspondence that something different was going to happen.

President Fanello: Let's clarify who let him to believe that. Let's just say that the former county attorney had conversation with Mr. Pittman. It is not my will and never has been my will to pursue any kind of appropriation for any of the bond counsel fees until the bond is issued.

Commissioner Mourdock: Okay.

President Fanello: Commissioner, wait, wait, wait, Commissioner Mosby has.

Commissioner Mosby: And I will echo that because I talked to Mr. Pittman about that at Baker and Daniels a couple of months ago.

Commissioner Mourdock: I have not seen, Catherine, if you have prepared a response to what I sent or what he sent. Do you agree with at least what I have put in here that there are a number of items listed that go beyond the scope of what bond counsel was employed to do under the terms of the engagement letter?

President Fanello: I think that there are some, there are questions and I have highlighted my questions and I do believe just from what I have gathered from your e-mail that you and I are on the same page, and I do believe that Mr. Pittman was led to believe that other services were to be performed by him that were not within the scope of, that we see are not in the scope of his contract. I have spoken with Mr. Pittman myself, he was willing to do anything that this Commission or that the Council would want done to clear up the misunderstanding and as we go forward

there is not going to be that misunderstanding. In my mind, the situation has corrected itself and he has offered to write off portions of the bill which I am completely thrilled about and I think that, like I said, this was a situation that happened out of miscommunication and was definitely not the will of this Commission.

Commissioner Mourdock: I would agree that it is not the will of this Commission. I guess the question that I have in looking at some of the items and again your latest discussion was obviously since my correspondence with him. But, I guess the appropriate question is that they went, they Baker and Daniels, went so far afield from what the terms of the engagement letter were, do you still have confidence with these people as our bond counsel? Because, I am a little concerned that an attorney that makes most of his living dealing off of city, county government agencies certainly understands the process as to what it takes to be authorized to do work for us and yet he seemed to want to submit in this statement a lot of things that go beyond the term of the engagement letter.

President Fanello: Well, I don't think that they go way beyond the terms of the engagement letter. I think there is a lot of gray area there and there are a lot of things that could go either way. I think it has been Mr. Pittman's intent from the very beginning to do whatever he could do to help this Commission move forward with the bond issue. I do not feel like he intentionally went, you know, above and beyond his integrity or credibility as so suggested by you. Baker and Daniels is one of the top firms in the state of Indiana. I believe that they do a major portion of all the city and county bond issues in the state and they were also used on the ice rink project by the City and have not heard any complaints of the City of Evansville's use of Baker and Daniels and Crowe Chiziak and they have the same team going that we do. There is nothing that leads me to believe that any credibility is questioned. Like I said, I believe the problem has corrected itself and we have taken the opportunity to review the bill and clear up any misunderstandings.

Commissioner Mourdock: How much of the items, and again I don't know what you listed in your letter, but you say that we were basically on track and that we are basically about \$15,000 worth of questions that I had in my listing what of that \$15,000 has he agreed to strike?

President Fanello: He is going to strike approximately, right now, half of it to my knowledge and there were and I didn't bring my notes, I wrote down some notes that he gave me on Friday. I spoke with him probably about 3:30 or 4:00 on Friday evening. The ones, and he is willing to even go further than that if he needs to and wants to talk to us about it. Like I said, his will is to make this Commission happy, this County happy, the Council happy and he is very sorry about the misunderstanding.

Commissioner Mourdock: Has he presented any documentation to us or suggested any that allowed for this work under some terms or scope of what was in the engagement letter?

President Fanello: No, he hasn't. I have not, if you are referring to any maybe-

Commissioner Mourdock: Maybe? I don't know what I am referring to.

President Fanello: I don't know either. But, no I have not received anything in hand that might have led him to believe that he had received that kind of direction from

this Commission.

Commissioner Mourdock: Or from the County?

President Fanello: Yes.

Commissioner Mourdock: Since I think we agree it did not come from -

President Fanello: Like I said, it did not come from these three Commissioners and I think we are all in agreement about that. Like I said, the problem has corrected itself.

Commissioner Mourdock: Well, I have heard you say that three times and I don't think it corrected itself because if we hadn't made some motions here it wouldn't have been corrected. It may be corrected but I don't know that it corrected itself.

President Fanello: To a certain extent it did correct itself after a certain date. Yes, it did.

Commissioner Mourdock: Well, that date was after March 20.

President Fanello: Yes.

Commissioner Mourdock: Well, these were all before March 20.

Commissioner Fanello: Yes, but I think you know, he respects our questions and is very happy to do whatever he can do to get this matter cleared up, so.

Commissioner Mourdock: So, I trust that we are not now paying him to read the newspaper.

President Fanello: I don't think that we were ever, personally, I was never paying him to read the newspaper.

Commissioner Mourdock: Well, those are the items he had listed.

President Fanello: Like I said, this Commission, what happened in this thing was not the will of either three of these Commissioners sitting here and we can get into a more detailed discussion if we want to go there. But, as you know, this was not the will of these three Commissioners.

Commissioner Mourdock: And I just want to make sure and again I haven't seen what specifically he struck to come up with half of those costs but I would like to see that as soon as you get it.

President Fanello: He did leave on vacation. He can get me something detailed. Like I said, we spoke on the phone Friday, he said he would be available though voice mail this week. So, I can leave him a message, he is at Boy Scout Camp with his son. I will leave him a message if he could, as soon as possible, get us something typed up in a formal document.

Commissioner Mourdock: Okay.

President Fanello: Are there any other questions? Comments? Okay. Is there any

other new business?

Commissioner Mourdock: We do have a request from Cunningham Drive between Ashwood and Vista View. They would like to block off the street. Is there anyone here to talk to this one or to talk about this one? I don't see anyone but this is something that we have done previously. They are looking to have a Fourth of July party basically, even though it came in late, I would reference some minutes that we had included and I am not sure what the date was but this was somewhere in the last four years they had come to us and asked for a similar request. At that time, we raised some issues about insurance, the Sheriff said that wasn't really pertinent here so we approved it so I would make a motion that we again grant approval to this letter submitted by Mr. Dean Webster.

President Fanello: Okay. Do I have a second on that motion?

Commissioner Mosby: Second.

President Fanello: So ordered. Is there any Old Business to be brought before the Board?

Commissioner Mosby: Well, I think that I might have New Business here.

President Fanello: You have new business.

Commissioner Mosby: I think but I am not real sure. I am asking the attorney. First of all I went out to the airport before I got here this afternoon and that is where I have been to present Mr. Ossenberg with a plaque from this Commission that was paid for personally and not out of county money so let's put that on the record too and I told him that at the meeting. Anyhow, I guess you are aware and everybody on this commission received a letter that Mr. Ossenberg had resigned so we will be appointing a new member to the Commission. Also, our other appointment to the Airport Authority is up also and I would like to come back at a later date, possibly next week, and submit a name of somebody that I would like to put on the Airport Authority Board who will be replacing Mr. Shymanski. So, I would, I don't know if I have to make that in the form of a motion.

Commissioner Mourdock: Not if you are going to come back with it later.

Commissioner Mosby: Well, we would have to let Mr. Shymanski know that it's not our intent to renew his appointment. That's why I didn't know if I needed to bring it here before?

Commissioner Mourdock: What are the dates of those appointments?

Commissioner Mosby: Well, Mr. Ossenberg resigned as of today and this is his last meeting and I think that Mr. Shymanski is up as of today probably because we would have put somebody on July 1.

Commissioner Mourdock: Yes, the appointment begins July 1.

Commissioner Mosby: I wanted to make this Board aware and I didn't know if I had to do that.

Commissioner Mourdock: If it is the will of the majority of this Board not to appoint

Mr. Shymanski, I think that would be a courtesy that would be appropriate.

Commissioner Mosby: That is what I would like to do. You know, inform him before we just appoint somebody because I think that is very unprofessional.

Commissioner Mourdock: With those appointments, both with Mr. Shymanski and Mr. Ossenbergh, it has been sometime since I recall that we have made those, are there, is that a balanced appointment? Is it one Republican and one Democrat or some other requirements? Such as city verses county residence? Do we know?

Commissioner Mosby: My understanding is that it is a Republican and Democrat. That is my understanding.

Commissioner Mourdock: So, with that being the case, will I be given a courtesy to appoint a Republican or to present the name of a Republican since just one person can not appoint.

Commissioner Mosby: I would accept a name and think about it.

Commissioner Mourdock: Okay.

Commissioner Mosby: I think we have to know what the name is first.

Commissioner Mourdock: Well, I know you've shot down more than, well at least one of my appointments that I can think of so.

President Fanello: Just one.

Commissioner Mosby: Maybe two.

Commissioner Mourdock: You made one, one time that I wasn't even aware of.

Commissioner Mosby: But I mean.

President Fanello: Who's a Republican.

Commissioner Mosby: I assure you it will be Republican if we appoint. No, I mean, I would accept that if you would want to give us the name of somebody that you are thinking about. But, I wanted to bring that up and I will make that in the line of a motion if I have to.

Commissioner Mourdock: Pardon my ignorance, but I presume Mr. Shymanski is a Democrat? I thought he was Republican actually.

President Fanello: No, I think he's a Democrat.

Commissioner Mourdock: Oh really?

President Fanello: Yes.

Commissioner Mourdock: And a good contributor too.

Commissioner Mosby: Maybe you know something we don't.

Commissioner Mourdock: Maybe.

President Fanello: Would you like to make a motion that we send Mr. Shymanski?

Commissioner Mosby: I will make that in the form of a motion that we would send him a letter and like I said I thanked Mr. Ossenberg this afternoon for his support to this Commission.

Commissioner Mourdock: I will second the motion for the letter and then we need a name next week?

President Fanello: I would think so.

Commissioner Mourdock: Since the appointment-

Commissioner Mosby: I would think it would be, yeah we would need to appoint somebody as quick as possible so that they can get sworn in and make the next meeting.

**Old Business**

President Fanello: Okay, any Old Business? None? Moving onto Department Head reports.

**County Engineer**

President Fanello: County Engineer is not here. County Highway.

**County Highway - Ralph Kissinger**

Ralph Kissinger: Ralph Kissinger, County Highway, you have my weekly reports. The only thing that I have to add and this probably doesn't need to be said on the record but since we are here, the news agencies, tomorrow we are going to start milling on Red Bank between Upper Mt. Vernon and New Harmony Way or Harmony Way, I'm sorry, that is a real heavily traveled area now and I would appreciate any help you could give us on getting that out for us. Other than that, that's all that I have.

President Fanello: Anybody have any questions? County Attorney.

**County Attorney - Kevin Winternheimer**

Kevin Winternheimer: I have one matter to bring before you and I apologize for not getting it to you ahead of time. Let me explain what it is. It is a contract with a company called BI Incorporated and that company leases monitoring equipment to the Community Corrections. These are the electronic ankle bracelet devices for lack of a better term, they have a better name for it, but that is what they are. The Community Corrections has been contracting with these people for about ten years. It was brought to my attention by the Sheriff's department before I left on vacation so we need to get this done right away and they have been negotiating for a number of months. They asked me, and I thought that it should come before the

Commissioners, for approval rather than just rely on the signature from Community Corrections. Community Corrections approved the agreement. I reviewed it at the request of the Sheriff's department and had just a few minor changes which were clarifications. We contacted the company and they said that was fine with them they just considered them as clarifications essentially and no problem with it. They have lowered the fee approximately \$1,000 a month from what it had been and they would really like to get it approved with the Sheriff's department. I didn't know that the Sheriff and Chief Deputy were out of town. I thought that they could be here to explain it, my assumption, my mistake. But, anyway they would like to get this done, the price is lower than it has been and they also mentioned today because they would like to get this done, the company representative from BI and saying that they have not been billing a monitoring fee for approximately one year and if you will approve this so that you can get this paperwork behind them they will not bill you for that. I don't have a total for what the monitoring fee was but they would just like to get their paperwork done, this renewed and it, like I said it is approximately, maybe it is closer to \$800 a month less than what you had been paying, or Community Corrections had been paying, and this is a program that the Sheriff's department, like I said has been using for 10 years and will continue to use and this is a three year agreement, 36 months and it has, and one of the things that we modified it does have subject to appropriation but this is one of those public safety things that I would be the last on the list to get rid of.

Commissioner Mourdock: I don't have any problem in approving that. How much are we talking about? You say it is \$800 less a month, what's the total?

Kevin Winternheimer: They, the current or the figure you had been paying for 200 units, 200 devices was \$8,142.84 and the new price is \$7,341.88.

Commissioner Mourdock: Are we upping or do we have the potential to up the number of units?

Kevin Winternheimer: Yes, it is based on a per unit price. What they are currently, the current number of devices is a flat 200, yeah, if that goes up they will be glad to send you new monitors.

Commissioner Mourdock: They actually do the monitoring for us?

Kevin Winternheimer: Now, you are getting in an operational area. I believe that the monitoring part is going to be discontinued and that is part of the cost savings but I really can't answer that question with certainty. It was my assumption that the Chief Deputy or the Sheriff would be here and I didn't know that they were out of town so if you don't want to pass it, I mean, I will just tell them that was fine. I just don't know any of the details of the operation.

Commissioner Mourdock: Okay, the only question I had about monitoring it if it is coming our way and it may be a mute point anyway is just to make sure that we had ample liability coverage and I am sure that you looked at it from that point of view if in fact they were going to do the monitoring because I would hate to have somebody skip and we don't have protection.

Kevin Winternheimer: Right.

Commissioner Mourdock: Well, again it sounds like we are going to do the monitoring under the new terms.

Kevin Winterheimer: I think but I don't want to lead you down the wrong direction because those operational issues, I really, I was looking at it from a legalistic point of view with the idea that the Sheriff come here and explain it but they are not here.

Commissioner Mourdock: Well, my normal paranoia will be set aside for a moment. I will go ahead and move approval.

Commissioner Mosby: Second.

President Fanello: So ordered. Superintendent?

**Tammy McKinney - Superintendent of County Buildings**

Tammy McKinney: I don't have anything.

**Gary Hohman - Burdette Park**

Gary Hohman: I am Gary Hohman, Burdette Park. All we have is our work report for you tonight. If there are any questions regarding that report, I will answer any questions that you might have.

Commissioner Mourdock: How is attendance?

Gary Hohman: Great. We probably had the largest Memorial Day holiday weekend that we have had in 10 to 15 years.

Commissioner Mourdock: Really? Huh.

President Fanello: Any other questions? Thank you.

Commissioner Mosby: Thank you, Gary.

**Soil and Water Conservation District  
Ozone Officer**

Commissioner Mourdock: The Soil and Water and Ozone officer reports were in the packet so I would move approval of those.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

Commissioner Mourdock: Consent Items are okay, I think. I would move approval of the consent items as filed.

Commissioner Mosby: Second.

President Fanello: So ordered.



County Clerk

**Auditor:**

Pass Through of ACH & Access Agreements

**Treasurer:**

Submit monthly report.

**Sheriff:**

Weekly jail information and reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
B.J. Farrell	Troy Tornatta	Ralph Kissinger
Gary Hohman	Alan Teeple	John D. Staley
Annaliesa Melcher	Linda Wilson	Betty Knight Smith
Norman "Red" Mosby	Don Fuchs	Harold Gourley
Darla Lindauer	Portia Schlachter	Susan Vollmer
Von E. Siekmann	Jeffrey A. Bosse	Richard E. Smith
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by BJ Farrell. Transcribed by BJ Farrell and Teri Lukeman.

**Vanderburgh County  
Special Space Allocation Meeting  
June 24, 2002**

The Vanderburgh County Board of Commissioners met in special session this 24<sup>th</sup> day of June, 2002 at 4:35 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

President Fanello: We have minutes to approve, do we not?

Commissioner Mourdock: I don't see them if we do.

President Fanello: Do we have minutes to approve, Suzanne? We have in the past.

Commissioner Mourdock: Have you seen them?

President Fanello: No, I haven't.

(Inaudible)

President Fanello: Yeah, that's fine. Did she e-mail them? Oh, I haven't, I don't know Tammy always takes care of the e-mails for the minutes and stuff. Okay. Dave Rector, Director of the Vanderburgh Building Authority is here and he and I had a conversation earlier. Dave do you want to bring us up to date on the CAD plans?

Dave Rector: Yeah, good news. Not as good as I had hoped from last time. We are moving forward, had some questions we had to resolve about the scannability and document handling and in fact the architectural firm was in today and picked up the plans to be able to start on doing that so from the last meeting when I thought that we would have things moved forward a little bit sooner we don't, we are now.

President Fanello: So, they do have them picked up.

Dave Rector: And we will continue moving on that.

President Fanello: Do you know approximately how long it is going to take for them to?

Dave Rector: About a month.

President Fanello: One month, okay. Richard, do you have any questions?

Commissioner Mourdock: I guess just to that they being the architectural firm?

Dave Rector: PCI. They and one other company or firm in town were the only ones I was aware of that could scan drawings into CAD system and was

waiting on the quote and they were on vacation and then we had to get in line to get it done, so but we are moving forward now.

President Fanello: I think until we get those plans and we can possibly drop some ideas into those plans it is going to be kind of, we have all of the information on paper here and if you notice, we do have an update on departments that did not submit additional square footage needed and you have an updated.

Commissioner Mourdock: And that is the second part, here on the desk?

President Fanello: Yes, yes. If you will notice the note on the Courts, the Bar Association has estimated that they need approximately 53,735 square feet and that's the total that they need it would be an additional 70% over what they have right now. The Assessors office was unsure of how much they would need because they did not know the impact of reassessment, which I am not sure that I understand that. I don't know what reassessment has to do with space. Do you know? Do you have any answers to that?

Rick Barter: I think that at the time that we filled that out we were thinking that it might be necessary to bring in more people to handle the reassessment. The way it looks to be going now and after what the legislature put out I don't think that reassessment is going to impact, it will just be any growth in the office and dealing what the routine things that come up.

President Fanello: Okay. Do you know if possibly the Assessor would want to revise that statement and maybe come up with a firm figure of what she sees as growth over the next five to ten years?

Rick Barter: Possibly. Let me ask her that.

President Fanello: As we notice the Prosecutor has requested an additional 7,000 square feet. The Health Department has requested an additional 22,772 square feet which I am not sure and I can't remember without, and I didn't bring it with me what the estimate from Hafer was when they did the study. Do you remember Sam? That is the total that you need is 22,000?

Sam Elder: That is the total.

President Fanello: That is the total that you need, is 22,000?

Sam Elder: Yeah, we have 10.

President Fanello: Okay, the way it was typed on it was that you needed an additional, so we will change that.

Commissioner Mourdock: So, it is not 22,000 additional, it is just 22,000 total?

President Fanello: So roughly an additional, what 12,000? The Treasurer has requested that we just reconfigure her space which I think maybe the thing

that we need to do with a lot of the offices is to go through and maybe reconfigure their space to be more efficient. Maybe it's that they don't really need additional square footage maybe they just need a more efficient design within their office.

(inaudible)

President Fanello: Do you want to come?

Dave Rector: Once we have that, we can do some modeling too on the expansions and see can we do that in that area or are we going to have to look to be moving to some vacated areas to be able to do it.

President Fanello: Okay. Do you have any additional questions, Richard? Or comments?

Commissioner Mourdock: No, not from the update and again until we, and I think this is what you were saying before, until we start putting names on a blueprint it's hard to decide.

President Fanello: Yes, it's hard, we have all of the information on paper we just need once, like Mr. Rector, gets these scanned in it will be easier to drop the information in.

Dave Rector: We have it now but even the usefulness of it is now is 30 years ago and so we don't have the as builds reflective of what we currently have. As you keep saying as we get that on there and are able to do something with it.

Commissioner Mourdock: The additions, not additions but modifications that have been done in the building in the last 30 years, you don't have any plans on those?

Dave Rector: No, we will have to do as builds. What we have is the original set of drawings for the construction of this building and the Courts Building.

Commissioner Mourdock: But all of the modifications that Steve Utley was responsible for, you are saying we don't have drawings of those changes?

Dave Rector: Well, we have hard copy drawings, there's nothing on CAD.

Commissioner Mourdock: Oh, okay.

Dave Rector: So we will have to incorporate those into the computer system.

President Fanello: So, what do you think would be, what kind of time frame do you think we should leave here until the next space allocation meeting? What is your recommendation?

Dave Rector: I think a month.

President Fanello: One month?

Dave Rector: Yeah, that way I can bring you drawings and have some names on it and locations.

President Fanello: Okay, let's see. How about we tentatively go ahead and set, pending all of the information getting in, July 29, maybe at 5:00.? Richard, does that sound okay?

Commissioner Mourdock: Sure, okay. That's fine.

Dave Rector: July 29<sup>th</sup>?

President Fanello: July 29<sup>th</sup> at 5:00.

Dave Rector: Okay.

Commissioner Mourdock: That is a Monday, I presume?

President Fanello: I'm sorry?

Commissioner Mourdock: That is a Monday?

President Fanello: Yes.

Dave Rector: And if I get some information or things maybe sooner than that I will kind of start letting you get that so you can start reviewing it before we get here.

President Fanello: Okay, that sounds good. If there are no other questions?

Commissioner Mourdock: Motion to adjourn.

President Fanello: Adjourned.

Meeting adjourned at 4:43 p.m.

**Those in attendance:**

Catherine Fanello  
Richard Mourdock  
Suzanne Crouch  
B.J. Farrell  
Dave Rector  
Sam Elder  
Rick Barter

Others Unidentified

**APPROVAL**  
VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Catherine Fanello, President

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Richard E. Mourdock, Member

Recorded and Transcribed by B.J. Farrell

**Vanderburgh County  
Board of Commissioners  
July 1, 2002**

The Vanderburgh County Board of Commissioners met in session this 1<sup>st</sup> day of July, 2002 at 5:28 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, July 1, 2002.

**Introductions and Pledge of Allegiance**

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

(The Pledge was given.)

**Approval of Minutes:  
June 24, 2002 Space Allocation Meeting  
June 24, 2002 Commission Meeting**

President Fanello: Okay. We have a sign in sheet coming around. If there is anybody who would like to speak on the jail site location issue, and, if so, would they please sign it–

Commissioner Mourdock: Or any other issue.

President Fanello: Or any other issue, if you would please indicate out to the side what issue you would like to discuss. First item of business is approval of prior minutes. First item is the Space Allocation meeting minutes for June 24, 2002.

Commissioner Mourdock: I'll move approval of those minutes as submitted.

Commissioner Mosby: I was not present.

President Fanello: That's right. I'll second, and so order.

Commissioner Mourdock: I'll move approval of the Commission meeting minutes of June 24, 2002 as submitted also.

Commissioner Mosby: I was present. Second.

President Fanello: Okay.

**Open Quotes for VC02-06-02:  
Cypress Dale Road Culvert Replacement**

President Fanello: Next item is open quotes for Cypress Dale Road Culvert Replacement, VC02-06-02.

Kevin Winternheimer: Any bids from the audience on this? Seeing none.

Commissioner Mourdock: I'll move approval of the opening of bids for VC02-06-02.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay. The first envelope is from CCC of Evansville, Inc. I'm going to try to find a total here. Their total quote price is \$27,784.75. The next bid is from Deig Brothers Lumber and Construction Company, Inc. from Evansville. Their total price is \$28,649. We have one more. The last bid is from Blankenberger Brothers, Inc. from Cynthiana, Indiana, and their total price is \$28,573.50. That's all the bids I have.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Jail Site Discussion and Selection**

President Fanello: Next item of discussion is the site selection for the jail project. Is there anyone wishing in the audience to speak to that issue? Nobody? Okay, if there is nobody in the audience...excuse me? Okay.

Ed Bassemier: Ed Bassemier, Vice President of County Council. You know, sometime ago, like kind of when we had our special meeting about the jail location, and my idea was to build it right next to our present jail. As you all know, that's a 268 bed facility, and for us to rebuild that, it would cost us \$19 million. My suggestion is that we extend our present jail, build it right over the parking lot, where our honorable Mayor parks at, and our Commissioners and some of the other one's over there. I figured that we could save several million dollars. We're only gaining 216 beds, at the present time, wherever site you put it at. Mr. Mourdock had a good idea, behind the courts building, but anywhere you build it, I think, we're wasting millions of dollars. I'm told by another architectural firm that they could double the size of our present jail, in that location, for less than \$10 million. I don't see how we can go wrong. I would like for you all to consider that. I mean, you put a pencil to it, I think, that's an ideal location. It will work. There are other people out there, I would like to see...I know we're down to the eleventh, twelfth hour, eleventh hour, and I would like to see that checked out before you go any farther and name another site. Like I mentioned before, we're only gaining 216 beds, \$35 million, and we've got other projects on the table. You're taking the whole pie. The County Council gave a \$35 million okay, and our intentions were to build a jail, juvenile detention center, and a community corrections. If you go with what you are trying to do right now, you're taking the whole pie, and I'm against that. Thank you very much for your time.

President Fanello: Thank you Councilman Bassemier. We have explored a lot of the ideas that you are talking about, and we do appreciate your comments, but we feel like, I believe, that we've done just about as much research as we can do at this point. Some of those solutions may just not be practical solutions. So, is there anyone else here in the audience wishing to speak to the jail site location?

Ed Curtis: Good evening. My name is Ed Curtis. I'm owner of the Curtis Building, and Old Post Office Place, and 501 Main here in downtown. I left Evansville for awhile, and moved to St. Louis, and came back to Evansville as a real estate developer last November. I'm particularly concerned about the development of downtown Evansville as a private developer/investor. That's why I came back to Evansville, because I think it has a great future. I think the next growth area for Evansville is downtown. That's where I'm prepared to put my investment, and time, and energy, what I have left at my age. I think that that's very important to me as the placement of the jail. I think, as far as downtown, and as far as private investors, that the jail in this site is a wrong choice. I think we should go elsewhere to an area where there would be an additional area where it could be developed. There would also be some economic impact that you won't get here in the city. I also have petitions from my customers, all my tenants in my buildings who would be opposed to either closing Ninth Street, or putting the jail on what we call the back 40, just because of, I would say, the scenic part of when you first come into downtown Evansville. So, I just wanted to express that, that I am prepared to spend money in downtown Evansville, and think very highly of the future. I would be opposed to having a jail as one of the first sites you see coming to the downtown development, downtown area.

President Fanello: Thank you, Mr. Curtis.

Ed Curtis: Thank you.

President Fanello: Is there any questions by the Commissioners?

Marty Amsler: My name is Marty Amsler, and I've spoken to you all before on this jail proposal. One of the things that really bothers me is that you turn around, and you read the paper, and in all due respect to the gentleman that were in the paper this morning, I know a lot of them, but I think it's "johnny come lately" on a lot of this. You know, where were these people when they should have stood up a long time ago? You're now at a position where you've got to make a decision. You've got to make a good decision. You find an awful lot of city governments in which they put their jails and everything all within a government sector right around here. You know, people are worried about shutting roads off. Well, you know, the Centre shut a road off. You know, those aren't real big things. We do need a jail, and we've got to get up with this century. I mean, if I-69 comes through here, our chances of having an increase in crime is going to increase. We know that. It's been proven in any other city. I know that, Mr. Bassemier, I know that he would like to save as much money as he can. You know, personally, I would like to see it, have a jail that would have 700 and some odd beds. I've always made a comment at, you know, I know there's going to be an increase in sales tax, but I would sure like, if we have to, to go to the state legislature, and find a way to put a 1/4 of a percent, or a 1/10 of a percent added on to the sales tax for Vanderburgh County to help pay for this, if we've got a problem with it. I know you folks are going to make the best decision. I wish you the best of luck. They were just some comments that I felt, I think were important. Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Mr. Kiefer.

Joe Kiefer: Honorable Commissioners. Thank you. Joe Kiefer, City Council. I just wanted to be on record that I would oppose closing Ninth Street, and would vote against a vacation that would do that. That's all I wanted to do was put that on the record. Thank you very much.

President Fanello: Thank you Councilman.

Commissioner Mosby: Thank you, Joe.

President Fanello: Councilman Winnecke.

Lloyd Winnecke: Madame President, members of the Commission, I would like to thank you for the opportunity to be here tonight. Previously the County Council, as you all are painfully aware, set a budget of \$35 million for this project. That's a budget I have supported, and still support to this day. However, I think based on the many discussions all of us have been a part of over the recent weeks, to me it's also painfully clear there is not a consensus to build a jail downhill, downtown, that's why I wanted to go on the record and commit to you that I would advocate to other members of the Council that the Council spend a reasonable appropriation above the \$35 million to buy a tract of land away from downtown, so that this project could be moved forward at a quicker pace.

President Fanello: Thank you, Councilman Winnecke. I appreciate your words. Is there anyone else in the audience wishing to speak to the jail site location? If not, we'll go ahead and proceed with our discussion. Commissioner Mosby, you did have a discussion last week with some elected officials if you want to report back to us on that.

Commissioner Mosby: Yes, we had a meeting last Tuesday morning. One thing, I guess, I want to say before I start, after reading this morning's newspaper, it was not a male-female type thing as was indicated in the newspaper this morning. I did on four or five different occasions try to contact Connie Robinson. I was unable to contact her office. Even contacted her one morning on her cell phone, and she quickly let me know she was in a meeting, she would call me back, and I never heard from her since that day. I'm sorry that Councilman Walden feels that a way, and, I guess, she was a stand in for Mr. Kniese, who was out of town. It was not to be a male-female type thing. Same as I never wanted this to be a Democrat-Republican type thing. This is really a community project. That's why we was able to put together a meeting. In that meeting was a minority and a majority member of the City Council, a minority and majority member of the County Council, we had two of the Judges; Judge Bowers and Judge Heldt was with us that day. We had the DMD Director, the Sheriff and his Chief Deputy, and we had the Mayor there. It was meeting that all of the community elected officials tried to get together. It was a very good meeting. There was a lot of expressions expressed in that meeting. A lot of ideas came out of it. I guess, in the end what was determined is, as Mr. Kiefer said, I think, the city officials are dead set against closing Ninth Street. There was progress made in the sense that the city officials, I will say, with the exception of the DMD Director, were agreeable to making Ninth Street two lanes, and building a walk

over, which was accomplished. I guess, probably, accomplished more than anything was to go off-site. The off-site development and site seemed to be the biggest favor of the majority in that room, and I would probably say everybody in the room agreed to that. There was one stipulation, and I thought I saw Judge Bowers walk in somewhere a minute ago. He's in the back hiding, but that's okay. One thing that was brought out in the meeting that I think needs to be brought up tonight when we're making our decision on which way to go, is the Judges feel that it is very important that if we go off-site that we do spend some extra money to put in, I believe, four courtrooms, and four hearing rooms, and some offices, so that the Judges could go out on-site and do court hearings. As opposed to transporting people back and forth, and, hopefully, save the Sheriff some time and money, and maybe some manpower in having to do that. That is one thing that we would need to keep in mind when making our vote tonight, that it is going to be dependent upon the County Council. I know the President is here, and the Vice President, as a matter of fact, if you guys realize you have a majority in this room, and I hope you don't get wrote up tomorrow. Every time I do this, I get wrote up, so. I kept looking around, and when I seen Troy slip in the back door, it was a majority, but anyhow that is one thing that we need to keep in mind that the County Council will need to be a part of this, and buy into it if this is what we want to do as a community as a whole. I know the Mayor was very much in favor. It was a good meeting. I believe everybody expressed their thoughts in that meeting. If I'm wrong, I know Lloyd was in the meeting, Judge Bowers, the Sheriff, if there is anything that I said that was wrong, please correct me. If you want to add to what I said, in a summary of what I thought come out of the meeting. I think that's about as close as I can sum it up. If anybody's got anything to add. I do want to apologize to Connie Robinson and Angela, and please carry that back to the meeting tonight, that this was not a man and woman, male-female type thing. I tried, on my behalf, to contact Connie four or five times, so. I would leave it at that, and if somebody wants to speak to the meeting, so be it.

President Fanello: Is there anyone here who was present at the meeting last week who has anything to add? Okay.

Commissioner Mourdock: Just for the record, who was at the meeting. I mean, you never did say.

Commissioner Mosby: Oh, well the meeting consisted of the Mayor, Michael Osborne from DMD, Angela Koehler-Walden as a minority member of the City Council, Curt John as the majority member, Lloyd Winnecke as the minority, or majority member. You're still in the majority, Lloyd, I'm not counting you out. Majority member of the County Council. Royce Sutton as the minority member of the County Council; Chief Deputy, Eric Williams; Sheriff Brad Ellsworth; myself, and I don't, Mayor Lloyd, but I don't believe I've left anybody out...and Judge Bowers and Judge Heldt were there. Then we also had the design team from Bernardin Lochmueller, who did site evaluation. Jim Farney gave that presentation, and Paul Summers and Craig Burgess came down from Indianapolis with the team of United. So, they were there to try to answer any questions for any of the officials that had questions. I believe that meeting lasted somewhere in the neighborhood of about 2 ½ to 3 hours.

President Fanello: Commissioner Mourdock.

Commissioner Mourdock: It seems often since we've been dealing with the entire jail situation that we're kind of looking through a zoom lens, and we turn that lens to

focus on the one thing, and yet, at times, we need to turn it backwards and get the wider field of view. I think this is one of those times, because when we set out on this project, as Councilman Bassemier said a few minutes ago, we were talking about not just a jail, but also about community corrections, and also about the juvenile facilities. I realize in politics, at least in governing, a lot of times you don't get 100% of what you would like to get, but you have to keep pushing on all fronts to see if you can make some gains every now and then. I guess, I want to change the discussion for just a moment to the juvenile side of this, because if, in fact, we go with the type of jail plan that we've discussed, again, that Ed Bassemier alluded to, and the other Councilman have commented about, we are dealing just with the jail. I would like to see this board, and I know we've dealt with community corrections, there's a group there that meets periodically, the Community Corrections Board, certainly, Marty is a member of that, Marty Amsler, the Sheriff and his staff. So, I think we have some progress continually being made and monitored there. I would like to see us do more on the juvenile side. The folks with the Rescue Mission came to us sometime ago with an outline in what I will quickly admit to as being pretty broad terms as to what they might be able to do to help us in that area, and it's something that I would like to see us pursue. I don't think, and I spoke to five of the seven County Council members today, I certainly do not sense within the County Council that they are going to find the kind of money that would allow for the county to build that facility. Which I know some of the members of this board would have as their first choice, but I would hope if that can't be your first choice, that you would agree to continue to move forward and make progress in that area nonetheless. So, I guess, with that, I had discussions today, I should also mention, with members of the board, or a member of the board of the Rescue Mission. They remain very interested in trying to work with the County Commissioners to establish an 18 bed facility that would have a minimum of two beds for females. They could certainly talk, you know, we could change those numbers. They would build it. They could operate it for us, and they would look to have simply ten of those beds on a take or pay basis. So, we wouldn't be paying for all 18, if they weren't being used. They've done that job well over the years, and I would like to see us continue to move in that direction. So, I would open that up for a bit of discussion, if anyone cares to comment on it.

President Fanello: Commissioner Mosby, do you have any comments on the juvenile facility?

Commissioner Mourdock: There's a gentleman over here--

Unidentified: Yeah, I wanted to ask a question.

President Fanello: Go ahead.

Commissioner Mourdock: You need to come to the microphone please. State your name and address.

Jamil Wali: My name is Jamil Wali, and I was kind of puzzled because I was wondering what kind of money was originally set aside in the \$35 million to purchase land? And if you had an idea where that land would be purchased, you know? Or if there was supposed to be some more money added on to that \$35 million? Of if you had it in your mind all the time that this back 40, since it would be free, was going to be the land that you were going to choose anyway? Thank you.

Commissioner Mosby: I guess, to answer part of your question, it was my first intent to probably build right here at the Civic Center, and spend the full \$35 million on the jail. The \$35 million is not going to allow us to build a jail, community corrections, and juvenile. I've talked to several architects and engineers, and even before we ever made a selection, and never was \$35 million going to cover that. Most architects and engineers will give you a price on square footage, or per bed, and tell you what you are looking at. That's why, you know, we are going to be bounded to build what the budget will hold, not what we need. I've said that from day one, and I'll be on the record, you know, this afternoon saying it again, that we're not building what we need, we're building what we budgeted for. But, no, it's not going to include anything for community corrections and juvenile.

Commissioner Mourdock: Let me take a shot at that too. The \$35 million was hair, guts and feathers, it was everything. It would include land, if there had been land. It would include all the so called soft costs of the construction manager and the architect, and it would include all the bricks, all the mortar, and everything. That's what was originally envisioned.

President Fanello: Okay, Commissioner Mosby, did you have anything you wanted to add about the juvenile from Commissioner Mourdock's conversation?

Commissioner Mosby: I am still very much in favor of building juvenile, and whether we build it with the correctional complex, or whether we look at using some of the old space here that we vacate when the jail is done, I am very much in favor either way of having a juvenile detention center. I think the county ought to own it.

Commissioner Mourdock: Okay.

President Fanello: Well, I think what Commissioner Mourdock is looking for is the fact that there may not be the consensus there for the County Council to actually build our own juvenile facility, is that—

Commissioner Mourdock: That's—

President Fanello: —and how do we proceed if they do not give us the budget to build our own facility? I think we still need to move forward with the juvenile project. I met with Judge Niemeier, Councilman Hoy and I were in the same meeting with Judge Niemeier, and Councilman Hoy, I think, if I speak out of turn, let me know, but I think you were also, your first choice would be for the county to build it's own facility, if we could afford it, but if that is not the case, we still need to move forward with some kind of project for the juvenile center. So, I had talked to an individual from the YCC, oh, probably about a month ago, and asked them to get us a proposal. So, I still think they need to get us a proposal, and we need to pursue that option, and take a very good look at it—

Commissioner Mourdock: Let me respond to that, because when I spoke today with the chairman of their board, Norm Schneider, he mentioned that, and he was just concerned as to how much we were looking, how much you were looking for with that comment. He didn't want to hire an architect if he felt that this was going to lead to nothing. So, I can make it, I think, perhaps, easiest to continue those discussions. Let me do this in the way of a motion, and, again, I think what you said a moment ago summarizes it very carefully, that this may not be everyone's first choice, but it is a positive step forward. So, I would move that this board direct the County Attorney to meet with the representatives of the Youth Care Center, and, I want to

be very specific when I say this, any other group who might be wishing to build and operate such a center, during the next 30 days. Report back to us on August 1<sup>st</sup>, as to general outlines of terms and conditions to have an 18 bed facility that would allow us to, basically, pay for ten beds a night. That's a motion.

Commissioner Fanello: And you're looking at the possibility of looking at the parameters of what they would be offering?

Commissioner Mourdock: Right. To begin the outline. The purpose of that outline would be to define a final contract. Just so I can clarify, I made that comment regarding and anyone else just so we don't have someone rush in the door and say it wasn't open to me, why didn't you send the County Attorney to come talk to me. So, I want to make sure that anybody would feel welcome to initiate those contacts with the County Attorney. We have had one group that has, obviously, operated a facility, they are interested in doing this, and that's the YCC group. So, my motion would be to create that outline over the next 30 days, so that we could, hopefully, develop a contract to go ahead and move that project forward.

Commissioner Mosby: So, I mean, is your motion a commitment on behalf of this board to—

Commissioner Mourdock: We cannot commit until we have a final contract in front of us, but we need to start, I believe, in putting the terms and conditions of a contract on a piece of paper. My motion is to direct Kevin to do that, and to come back with that initial outline the first Monday of August. Turn the page.

President Fanello: Oh, sorry. We're in the wrong month. August 5<sup>th</sup> is the first Monday.

Commissioner Mourdock: The 6<sup>th</sup>?

President Fanello: August 5<sup>th</sup>.

Commissioner Mourdock: On August 5<sup>th</sup>, okay.

President Fanello: So, you're, basically, looking for a proposal, and how it would be worded in a contract?

Commissioner Mourdock: Exactly.

Commissioner Mosby: And your proposal is the Youth Care Center builds—

Commissioner Mourdock: Builds and operates. They build an 18 bed facility, and the general term would be that we pay for ten beds a night, and, obviously, other beds if they are used, but only ten beds as a guaranteed minimum.

Commissioner Mosby: And I'm not going to second that motion for the simple reason, and you were talking awhile ago about building a jail, probably, I mean, I'll go ahead and say tonight that I am going to vote to go off-site from here at the Civic Center Complex. When I go off-site I'm going to be looking at buying more than 15 or 20 acres, due to the fact that we still have a community corrections problem. Now, I'm not looking for this community to pick up that problem. I mean, right now this community is funding that to the tune of \$2 million plus. I don't think that's our responsibility any further. I think it's the state's responsibility. We have met with the

state. We've had somebody on contract through the state, Jon Von Arx. I made the motion, or I sat in here one night, and I still stick to it, I'm willing to close community corrections at the end of this year. I mean, I'm done with community corrections, if the state is not willing to come in and pick up their fair share for this community. But, when the state does come in and pick up their fair share for this community, then we need to take the \$2 million plus, and put it into our juveniles. That's where I'll be looking to get the money. So, I'm not going to second your motion, because I'm still looking for the state to come through with their answer, and I want to see what they say. Once they answer that question, and they are ready to pick up the tab for community corrections in this community, then I'm asking the County Council to take the \$2 million plus that we're spending on community corrections and put it into juvenile.

President Fanello: Well, how about if we, if we add a stipulation to the motion. That's, I would like for this discussion to be brought up at the Council meeting, and for the Council, as a body, to look at, again look at the juvenile facility, and let us know what direction you would like to head. I think it would be alright for us to go with Richard's motion of having the County Attorney look at possible contractual arrangements, and I would second that motion with the stipulation only if the County Council will absolutely not fund our own juvenile facility, because that is my first choice. I know that Judge Niemeier in his meeting says he has to have something done. I mean, my first choice is for us to build it ourselves. Whether we build a new facility, or we renovate the old jail, but if that commitment is not going to come from the Council, we have to look at some kind of solution. So, I think we could go ahead and look at the proposal. We're not committing to anything final here tonight, we're just trying to look at a proposal.

Commissioner Mourdock: Again, we cannot commit to anything final until we have the contract in our hands.

President Fanello: Yeah.

Commissioner Mourdock: Clearly--

Commissioner Mosby: I want a roll call vote on this.

Commissioner Mourdock: Okay, that's fine. Clearly when the, your comment regarding the Council, clearly they would have to approve the funding. I would go ahead and add that stipulation, because I think that's appropriate that the Council take a look. I will change the motion to add that stipulation, and make it for the purposes of a roll call vote.

President Fanello: Okay. Roll call vote. Commissioner Mourdock.

Commissioner Mourdock: You need to second it.

President Fanello: I'm sorry. I'll second it with the stipulation, only if the Council is not going to fund our own facility. Commissioner Mourdock.

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby.

Commissioner Mosby: No.

President Fanello: And I'll vote yes with that stipulation. So, I would like, since President Winnecke is here tonight, to go back to the Council, and let's start the discussion about our own juvenile facility, or how we'll move forward with the juvenile facility.

Commissioner Mourdock: Okay. Kevin, if you need contact information, or anything, I'll be glad to talk to you.

President Fanello: Okay, so is there, are there any other comments from the audience on the jail site selection? If not, we need to go ahead as a body.

Unidentified: (Inaudible. Not at mike.)

President Fanello: Oh, Judge Bowers.

Scott Bowers: Scott Bowers. I'm Chief Judge of Vanderburgh Superior Court. As one of the people who attended the meeting along with Judge Heldt on behalf of the judiciary, I just wanted to clarify our position. First, we do very much need courtrooms, which is a separate issue from the whole jail question. I think it's widely known that we have 14 full time judicial officers, and only ten courtrooms, and this does cause some problems in terms of docket management that need to be addressed. In terms of the jail, it's the position of all of the Judges that we will work with the Council and the Commission and all relevant county officials to make anything work that you think is most cost efficient. So, if you go off-site, and believe that moving the criminal courts to be contiguous with the jail is the most cost effective, we would be willing to do that, and make all the necessary administrative arrangements. If, on the other hand, you believe renovation over here to provide the necessary courtrooms, together with transport, to and from an off-site would be most workable from this standpoint, of the fiscal constraints of the local government, we'll work with you on developing that. Of course, there's the intermediate position that we might handle some hearings by close circuit television. Again, the Judges are willing to make these things work. So, we'll be flexible on whatever option you choose. We were not, and I just wanted to clarify, we were not insisting that all of the courts be moved to be part of the jail project, but we would certainly work with you on that.

Commissioner Mosby: Okay, because I thought I understood Judge Heldt to say, at one point, that he would most definitely want some court space—

Scott Bowers: Yes, sir.

Commissioner Mosby: —at the jail to do hearings.

Scott Bowers: I'm sorry he is not here.

Commissioner Mosby: I know. I wished he was now, because, Brad, do you recall?

Brad Ellsworth: He said he preferred to have court space.

President Fanello: Can you come to the microphone please?

Commissioner Mosby: I mean, I want somebody else to say it outside of me, but that was my understanding.

Brad Ellsworth: Brad Ellsworth, County Sheriff. For the meeting, what I recall from the meeting, he did say he would like to see court space in that building, if we went off-site.

Commissioner Mosby: And we might get a clarification for anybody that wants—

Scott Bowers: I don't think that's inconsistent with what I'm saying, because, I think, what Carl's position was, we would need court space whether we had, that we would have, perhaps, closed circuit arraignment, and there was some mention of how things were working in South Bend. I think, my recollection was that he had mentioned the South Bend experience on that. Then he said that it may well be best to move everything to have it over there. Then we discussed the number of courtrooms, and I think, initially, he had indicated two jury ready rooms, and two hearing rooms. I expressed the opinion that if we went over there, since we had four full time judicial officers handling felonies, we would probably want four jury ready courtrooms. Judge Heldt also mentioned that if courtrooms were put over there, then you would also need to have some space for the Clerk's office, because the clerical functions of the office would need to be right by the courtrooms.

Commissioner Mosby: Right.

Scott Bowers: I'm just trying to, you know, add to the background of the meeting, because it was a very detailed meeting, and there was a lot discussed, and I hope that it helped clarify the situation with the courts.

Commissioner Mosby: I think we're pretty close though on the courtrooms. I will admit that I forgot to mention that he did say, as you said, that he was fine with the video arraignment. I think as you said you were. I think Judge Heldt said that he did talk to the people in South Bend and St. Joe County with the new jail. They are very impressed with what United/DLZ has did up there, and it's a very workable situation, and that everything works well, so. I forgot to mention that, but he did mention the video arraignment. He's very comfortable with that.

Scott Bowers: Thanks, sir, and I didn't mean to confuse the situation. Yes, Commissioner Mourdock.

Commissioner Mourdock: One other question. If you do the video arraignment, and the only thing you really can do video is your first arraignments, correct?

Scott Bowers: Yes, sir. You really can't handle an evidentiary hearing—

Commissioner Mourdock: Okay.

Scott Bowers: —on a video basis. I've heard, you know, questions raised how would this work in terms of consultation between the state defense, since the state, presumably, would be over here, and the defense in another building. This kind of thing.

Commissioner Mourdock: If you can only do it for that purpose, how many of those rooms would need to be set up for video arraignment at that end, and in the courts building?

Scott Bowers: You would need at least two, if you were doing felonies, one for Circuit and one for Superior. Then you would have the question of whether you also

wanted to put in custody misdemeanants on a video system. Which might require a third video system. Obviously, if all you were looking at was, do you have to move people, and having everybody in the same place, you would put all your courtrooms, the Clerk, and the jail all together for all the criminal matters. There are a lot of constraints about expenses that I'm not really qualified to make a judgement on, and it really isn't a judicial decision. It's a political decision of the Commissioners and the Council. I just want to emphasize to you that the Judges will not be interfering with whatever decision you make. We wish to help you in making as efficient a final resolution on this as possible. The only other comment that I've heard repeatedly from judicial officers is that we should, wherever we go, have room to expand, because the county should not have to go through this again any time real soon. Thank you.

Commissioner Mosby: I won't wish this on nobody.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: Well, I think it's come now time for this Board to make a motion on whether we will stay around the Civic Center, or will we go off-site? So, would anybody like to start that discussion? Mr. Mosby?

Commissioner Mosby: Well, I'll start it since I done said what I was planning on doing anyhow. I guess, after looking at the downtown site with the back 13.7 and Ninth street, after taking into consideration, Kentucky and Southlane and the other site being Wansford Yards, downtown without closing off Ninth and hooking the jail directly to the Courts, and having to look at still adding staff, even if we are going to be down here and being, I guess, landlocked into 13½ acres, to me, is not suitable. I look at Southlane and Kentucky which is approximately, I guess, 15 or 16 acres, from what I understand, I don't think that leaves us the room to, I would say, expand into community corrections and juvenile, as I would like to at some point in time. I have had conversations with DMD, there is some 82.2 acres left out at Wansford Yards. I think it can be acquired, I am not sure, I have a phone call in to Indianapolis to a man, the gentleman that's handling it, but he is trying to get a hold of a guy in Florida, who does all of their handling. I would propose this body would look at buying 40 acres at Wansford Yards. That would be my proposal, motion, and so be it.

President Fanello: Okay, Commissioner Mourdock?

Commissioner Mosby: I would add if that's possible, I know the city and I believe that Mr. Kiefer might be able to vouch to this, they bought acreage at Wansford Yards, and I believe it was at the tune of \$25,000 per acre with, Wansford doing the cleanups and environmentals and everything. So, I would stipulate my motion to include that it would have to be environmental approved, at the time that we would want to acquire it, and that CSX would do the environmental cleanup on it, and sell it to us at a reasonable price. As reasonable a price as they did the city, and I believe that price is \$25,000, if I am not mistaken.

Commissioner Mourdock: I am going to kind of frame my comments here, not so much on a specific site, off-site, I am either going to say that it is on-site or it's off-

site, because it may be a little bit premature to get too specific here. I have steadfastly sat at this chair for many months now it seems, and spoken of what I think is a reasonable alternative, which is back here in the Courts parking lot. I continue to believe that with some creative architectural work, that would be a viable site for us to put a jail, and would allow us to use the current jail for maximum security. However, as I said of your comments a moment ago, Catherine, you don't always get 100% of what you want, and I appreciate that, and I appreciate your willingness to second the motion with the stipulation regarding the juvenile center. I do want to see us get something done, and I know the folks with YCC, if we can successfully contract with them, will have a juvenile center built before we have a jail built, and I think that is important. The timing of this, it has gone on and on and I think there has been a lot of good discussion, the pros and cons, letters of the last few days, notwithstanding, as I look at making this decision I am trying to find out in my own mind what I think is best, not just for the master plan, not just best for the taxpayers, but best for this Board, for this community, for the long term future. My heart of heart tells me that it would still be in the Courts parking lot. But, I would agree tonight, because of your willingness to go with me on the juvenile building, or the juvenile center, I am willing to say that I would go ahead and vote to an off-site, as of yet undisclosed, off-site location.

President Fanello: Well, I think that I definitely want to move off-site. That's not an issue. I think we have looked long and hard at public owned land, but as I said earlier, the best solution may not always be the practical solution. You know we have had a lot of the downtown community leaders, you know, may contact and talk to us about downtown location. The letter we received from the Evansville Regional Business Committee, while I appreciate their letter, you know I have been thinking about this over weeks and have thought that the off-site location may be the most practical, and the best route yet. So, it may be when Connie Robinson was talking about women, maybe she meant that there were no women on the Regional Business Committee. I agree with Commissioner Mosby's, because there aren't any women on the Regional Business Committee. Maybe, I believe with Commissioner Mosby, Wansford Yard, I believe, is a very viable site and I am totally in favor with that site. I believe after discussions with the Sheriff, he is also in favor of that site. So, I don't think it would hurt us to second that motion and pursue, you know, information on that site, just as we're pursuing information on the YCC. That's not a final commitment either because, obviously, for the Wansford site to be a final commitment, we need to know that it is environmentally safe, and we can build on it, and we are going to get it at the price the City got their land at their price. But I think it is very prudent for us to buy that much acreage and start thinking for the long term, because that is the problem with the downtown location is while maybe the judge's parking lot might be perfect today, maybe the back 40 might be perfect today, in the long term, if we're ever thinking about Community Corrections or a Juvenile facility with or possibly even a judicial facility with that Corrections facility, we need to think about buying enough land to hold all those facilities, so.

Commissioner Mourdock: May I clarify something from David's motion? Because in going the direction I sense we are going, I think we need something similar to the direction we used from Kevin a moment ago. David, don't let me put words in your mouth here, but I think what this, the intent of this Board is to direct our attorney to begin some level of negotiations with CSX to determine how much acreage is available, what acreage would be of a particular advantage to us and to determine the relative, the liabilities that they are willing to accept, that it must be cleaned up, if any, prior to any transfer of title taking place.

Commissioner Mosby: Yes, and that is why the Wansford Yard, site because I do have the name of the two gentlemen, one in Saint, or one in Indianapolis and one is in Florida, but the name of the gentleman I got in Florida is not actually the guy that handles the real estate sales. So the guy in Indianapolis is trying to get, but that's why I said that, it is because I would like for Kevin to pursue conversation with them. I have got a map from DMD that they had that shows us the acreage that is available, the 82.2. So, that is why I specifically voted for that site, because there is enough acreage there. I guess, I didn't quite understand where you were coming from because you said off-site, you didn't say where. Of course, you said you were voting off-site because she voted with you on juvenile, I am not sure.

Commissioner Mourdock: No, I said I was voting off-site, and I don't want to give away our negotiating position with any potential property owners, is what I meant. I also want to make the point that the first land that sells is always the cherry property, so I figured the City bought that at \$25,000, so what's left out there can't be worth \$25,000. It has to be something less. So, we need to negotiate aggressively here.

Commissioner Mosby: Well, we can negotiate them down if we can.

Commissioner Mourdock: Yeah.

Commissioner Mosby: I am saying, let's go for 40 acres. If we can get it for a million, which is a lot less than Kentucky and Southlane, at a whole lot less acreage too.

Commissioner Mourdock: Well, from a negotiating position, I would tell you that I would go in with the idea that we try to buy all that land.

Commissioner Mosby: I would go in with the idea that they would donate it to us, but if they won't, then you can start somewhere and end up with a—

Commissioner Mourdock: Does eminent domain come into this discussion at all, Kevin?

Commissioner Mosby: We ought to think about that too. But it is just my thought that we have the attorney, corporate counsel, go ahead and start the negotiations with CSX ,if they are willing to sell, and maybe the 82.2 is prime to them, and they want to keep it, I don't know. The guy in Indianapolis didn't state that, he said I need to let you talk to the real estate manager in Florida.

Commissioner Mourdock: With the understanding the motion is to send the County Attorney off to begin those negotiations, I will second.

President Fanello: Okay. Let's take a roll call on that just for the record. I think we are all going to vote yes, but let's go ahead and take a roll call vote. Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: And I vote yes. We have consensus.

Commissioner Mourdock: That may be a historic moment on the jail.

President Fanello: I don't think you voted with me just because I voted on the YCC, I think your comments earlier, that you wanted to see this project moved forward and you were trying to move things forward.

Commissioner Mourdock: That is correct.

President Fanello: I just want to set that straight for the record.

Commissioner Mourdock: As I said as an example, you don't always get a 100% of what you want.

President Fanello: Okay, are there any other questions about the jail site? We are, that is our decision, so. Is there anyone else in the audience wishing to speak? Yours is about Mt. Pleasant. Do you mind waiting until we get to the County Engineer? Until we get to his report? Maybe doing that with the Engineer's report? That way he can answer any questions, if we need to?

**New Business**

President Fanello: Is there any New Business to bring before the Board?

Commissioner Mourdock: I guess it's Old, go ahead.

**Old Business**

President Fanello: Okay. Old Business? I have some Old Business.

Commissioner Mourdock: My Old Business was just by way of appointments. Last week we spoke of the Airport Board.

President Fanello: Did you, Old Business, Airport Authority Board?

Commissioner Mourdock: I would like to nominate for that position, to replace Mr. Ossenber, there is a gentlemen that Steve Craig knows well, a fellow who formerly served on the Burdette Park Board, Jerry Schmits. Jerry is a registered professional engineer and did a good duty out there. I think that Steve will tell you that he attended, I think, everyone of the Advisory Board meetings for Burdette and with a number of the projects that they have coming up out at the Airport, I think he would be a great addition to that Board. So, I would nominate Jerry Schmits, and his address is something on Richardt Avenue.

Commissioner Mosby: I will vote to take it under advisement.

President Fanello: Okay.

Commissioner Mourdock: I am sorry, I didn't hear.

Commissioner Mosby: I said that I would vote to take it under advisement.

President Fanello: Okay.

Commissioner Mourdock: I thought last week the comment was that we needed to get someone because there was a meeting coming up?

Commissioner Mosby: (Inaudible)

President Fanello: If you would like to take it under advisement, maybe we just hold it for one week. Did you also have one that you wanted to put out? Okay. Well, why don't we bring that back up next week then? Is there any other Old Business? Do you have any Old Business that you would like to bring up? Okay, I have got one item of Old Business that I would like to go over and that is just a little further clarification on the Local Roads and Street fund that we talked about last week. I do have a couple overheads to make this a little easier, and I was hoping that County Auditor, Suzanne Crouch, would be here tonight, because I really took her advice and went back and looked at some numbers. So, Patty, could you go ahead and put the spreadsheet up there? Councilman, Councilman Hoy, I am glad that you are in here, because hopefully you can have discussion about this Wednesday also. We are having a discussion about the Local Roads and Street fund this year and I am going to try and take you through, and Councilman Tornatta is in here too.

Commissioner Mosby: Yeah, we don't have a majority, we're okay.

President Fanello: You are okay. We have got two in here. Just so everyone can, hold on, I have the spreadsheets here, basically, the gist of what we talked about last week was the fact that the estimated revenues for...when I started going back and doing the budget, and looking at the estimated revenues that the Auditor had provided, the estimated revenues for 2002 were considerably lower than they had been in the prior years. If we just look at 1998, the COIT subsidy in the Local Roads and Street fund was \$2.5 million. Total revenue for the year in the Local Road and Street was \$4.2 million, with a total approved budget of approximately \$3.194 million, leaving a surplus in the fund of \$907,000. If you move over to 1999, you can kind of see the trend, we put \$3 million of COIT into the Local Road and Street. The surplus at the end of the year over the budget was \$1.3 million, and in 2000, same deal, \$3 million put in of COIT money, surplus being \$1.6 and if we go to 2001, the same scenario, we have a surplus of almost \$1.854 over the budget. Then we get to 2002, and we have a problem. You know, the County Auditor had made the statement last week that we didn't get the money, the COIT money because we didn't ask for it. Well, as you can see, our budget was even more than it was in the prior year, and we still got the COIT money in the prior year. Of course, we weren't Commissioners when that budget was completed. 2002 was the first budget under this administration, and, I believe, is John Stoll in here? I can't see him, where is here? And John Stoll and I met this morning and went over and he was not aware of this either, and the thing, what has happened here is that we don't always know when certain road projects are going to be put in place, but we had two major projects on the books, and that is Lynch Road and Eickhoff Koressel. There were certain elements that needed to fall in place before those actual monies could be asked for. Well, those elements have fallen into place, and now we are \$1.25 million short for Lynch Road, and we are over about eleven about \$1.1 million short for Eickhoff Koressel. So, we are not sure why the money was not put in there this year for us to go back to our cash balance and appropriate it. If Patty will flip to the next spreadsheet, if you will kind of move that over, the cash balance at the beginning of this year was \$8 almost \$9 million, then if you go down to read estimated revenue, the 2002 budget and we look at the commitments for the prior year, we have

additional appropriations that have already been asked for this year, or anticipated additional appropriations and then you get to an unappropriated balance of \$729,000. If you look at these two projects that we need, obviously, we have a deficit of over \$1.5 million dollars. So, we are not sure why the Council did not put the COIT money into the Local Road and Street fund in this year's budget but we are intending, or I am intending, I don't know about the other two Commissioners, I think, I know Commissioner Mosby agreed from comments that he made last Monday, that we need to ask for that money back, and the only place that we see that we can ask for it is out of the COIT Windfall, as suggested by the County Auditor. So, I think you know what we have here, I am not sure what we have here, I don't know if there were other uses for that money that the Council thought that they needed to put it someplace else. I am not sure where it went or what it was used for. I would most likely think that it has been set aside for the jail project, but we need that money into the Local Road and Street Fund, and I am hoping, really hoping this doesn't happen again in 2004 with all of the multi-million dollar road projects we have on the books, but it is my full intent to move forward with the Lynch Road project as soon as possible, because that is a major economic development project. Commissioner Mosby, did you have anything that you wanted to add? Or Commissioner Mourdock?

Commissioner Mosby: Or Councilman Tornatta.

President Fanello: Or Councilman Tornatta, there you are.

Troy Tornatta: Troy Tornatta, County Council. I will make a couple of statements that starting into my first budget, as it was yours last year, I was told that part of my, part of the things that I thought I had received which would be revenues to run a business. Which that is what the county is, in some shape and form, a business that it has, it has revenue and it has expenses, and it works just like a business. But, I did not receive any information off of that. I guess, that I was just led to believe that the minority did not get those certain pieces of information, and that was handled by the majority. I asked for the information to be delivered to me, and I didn't get that either. I don't have any idea of where you say the money went. I did not get the budgets at times until five minutes before we were supposed to vote. Hopefully, that will change this year because as an elected official, people elected me to watch their finances and because I did not have the tools at times to do that, I don't feel like I was given an opportunity to serve the public as I should. But, that will change this year, of course, we have already made a determination that we are going to try and get some of that information. I have talked to Mr. Fluty about that, I have talked to Ms. Crouch about that, to make sure that. As far as your \$1.5 to \$2 million, I did not know how we were going to come up with \$2 million for the jail project this year, and that money was made available and part of that, to my understanding, was from the Windfall. Now, how you divvy it up, and how you crack it up on the spreadsheet, with how the Council did it to come up with that money, is a, was done by a majority, and they came back to us as to how they were going to bleed that out. Not to plead ignorance, just to plead that sometimes I do not get the information that comes before the majority. I will say this, the, we will make sure that we get some of the documents that are needed before the budget hearings this time, but as for the extra money, I am more than willing to give it from whatever fund we need to make sure that these roads and streets are taken care of.

Commissioner Mosby: Councilman, I don't think that you have to plead ignorance. I think you are learning like we are learning, very quickly. You know, this, it bothers me, and I do want to say something about your comment here in just a second, but

this bothers me, because last year we sat here and we talked about the \$1.7 million that was taken out of the Commissioners budget. They took \$700,000 out of our Infrastructure budget, and took a million out of our Economic Development budget to try to attract good jobs to this City. Now this year we find out that they are taking out \$2 million so that they can do whatever with, and I am going to get to your comment that you made here in a minute, because it really strikes me...and I have the records of that meeting, the minutes of that meeting, but they are taking \$2 million out of Roads and Streets. I don't think it was ever intended when we build a jail that we would quit paving roads and streets. I think roads and streets is one thing this community will keep up with along with bridges, as long as I am sitting here. No, I don't intend to build a jail on roads and streets. I have offered solutions. Nobody wants to see taxes raised, and I understand that, but there was a solution offered in the State last year to raise the COIT .25%, and possibly bring \$7.5 million dollars a year into this community, and pay a \$58 million bond off in 11 years. So, for them to say that they have to cut Roads and Streets to build a jail, is wrong. But, I do, I am very interested in your comment here because you say you plead ignorance, and you don't have to when I have a Councilman who is the Finance Chairman of the County sit there and say, well I will go back to this part where it says, and this is you,"you told me those were going to be faxed over to me and that never happened", speaking of the budget papers. Councilman Raben says," I told you, you could call and get the fax.", and you said,"I did call, and they never faxed it to me. Sandie, am I right?" "No, I just finished them." "Okay", says Councilman Raben. "How do I know what the information is?", Councilman Tornatta. Councilman Raben says, "Do you, let me say this again, I think what you are trying to get at. I think you are way out of line on this. First of all, standard protocol is something like this, it's not necessary that you have anything in advance." I don't know too many people that can run a business and now have a document in advance to tell me what we are going to budget for this coming year. Now, you made the correct statement in the very next line, when it says , "Well" because Mr. Raben goes on to say, "ask Mr. Wortman, he may tell you how it was under the minority members when he served". That might have been 20 years ago, you made the correct comment, "Is this political?" Yes, it is. It is very much so political, because I am sure that they didn't want you to know where the \$2 million went. I blame it on the Auditor, because the Auditor is the financial body, or should be the financial consultant to this Commission. Never were we told by the majority members of that Council over there, and never were we told by the Auditor of this County that they took \$2 million out of Roads and Streets. I can sit out here and look in this audience today and 90% of these people are sitting here because of Roads and Streets. Because I know the Lyle Road project is on the books, I know the Mt. Pleasant Road is on the books, I know County Line is on the books, that we don't have funds for. I know we need to buy right-of-way for Lynch. I can name project after project that John Stoll has got on the books, but they took the liberty of taking the \$2 million. You don't have to plead ignorance, because they did it. It was political. They didn't give you the information. They didn't want you to have it, and you didn't have it, and you didn't make a bad vote.

Phil Hoy: Phil Hoy, County Council. My comment relates to two things, I think you will find this year that Mr. Tornatta and I and Mr. Sutton, we will make sure that we have the information we need, that is point one. Point two is that the jail money was not taken out of COIT Windfall. COIT Windfall, I don't have my balance sheet here but that needs to be clarified. COIT Windfall is in a separate line entirely and there is still money in COIT Windfall. What would be helpful to us is for us to have the presentation that you have here in print because I can't take notes that fast.

President Fanello: We will give you a copy.

Phil Hoy: I know you will, but I would like for the whole Council to have it, besides me and Mr. Tornatta would probably like a copy to. That is the only correction, that, I am only speaking for myself on the jail, we were looking at some good balances, and I am hoping that we are looking at another good balance in this coming year, because we wanted to ease, you know, that burden on the taxpayers. I am hopeful that we can continue to do that, so that we don't have to raise taxes. I think it will help us immensely. I am not sure we know yet what the legislature has done to us. I want to look at those figures a little harder, because they are predicting that people on the lower end of the scale are going to be paying a good hunk more in sales tax, and as you all know I am a County Councilman-at-Large, and we have an awful lot of people in the county who do not make a lot of money. I can't change that. I wish that I could, but we are not noted as a county that pays high wages, or wages...and that is not just in the Fourth Ward, or in the focused neighborhoods in the city but it is county wide. But, that is why we are concerned about raising taxes. We may come to that point. That is why I stood against raising taxes, plus the fact that the COIT Windfall is still there in a separate account.

Commissioner Mosby: Councilman, and I don't want in anyway to indicate that they took it out of COIT Windfall, because the Auditor did state that there is still \$2.4 million in COIT Windfall,

Phil Hoy: Yes.

Commissioner Mosby: And that is probably where we will be asking to take the \$2 million to put back into the Streets and Roads so that we can continue on with projects that we have on the books.

Phil Hoy: I was not correcting you Commissioner, I was just correcting-

Commissioner Mosby: But that question was asked last week because I specifically asked after they took the \$2 million, I said, well how much cash balance do you have? She said \$1.2, so I mean that tells me that we would already be \$800,000 in the red, had we not taken the money and put it over, but I think this money should have come out of COIT Windfall or somewhere.

Phil Hoy: We are also aware of what the State has done to us, as you are too. The State has not been exactly generous, and they are in a bind as well. I just got back from a vacation in Tennessee, and I was reading the paper down there, and everybody is worried about Indiana, the state of Tennessee by July 1<sup>st</sup>, unless they did something was going to fire everybody, that is how short they are. I think you are going to find universally, in the United States, presently, that every municipality, every county government, every state government is in something of a bind. We have had a lot of things hit us besides September 11<sup>th</sup>. We have the failure of massive corporations, and we are all feeling the brunt of that. So, as you know, I always try to look at the larger picture. I won't make any more speeches about that, but we will do our best with that. Yeah, I will take the figures now.

Madelyn Grayson: President Fanello, may I have a copy of the spreadsheet for the record?

President Fanello: Yes, and I just want to say that I don't advocate raising taxes either, and never would advocate raising taxes unless we need to offer services to

our citizens and we had too. I know, looking at these citizens out in the audience, they want road projects done, and I don't know... I wasn't here, obviously, this is only my second year, but I don't remember how long Lynch Road sat there with dirt on it without being developed until funding came into place. I don't intend for that to happen with this next phase of Lynch Road. I intend for this Lynch Road project to be under construction next year. I hope that the Council will feel the same way. I hope that as we go into the 2003 budget we won't see any money, COIT money cut from the Road and Street fund because we have several multi-million dollar projects, and we have several not so big road projects that need to be done, such as Commissioner Mosby mentioned, which is a Lyle Road project, which is County Line Road project. So, we have things that need to be done, and we need our Road and Street money. So, I appreciate your willingness to listen, Councilman Tornatta and Councilman Hoy.

Commissioner Mosby: I appreciate you two staying too, and I think the one thing that we need to understand is, because I talked with Mr. Sherwood from Warrick County last week and Warrick County is ready. I mean Warrick County has their stuff in place and they are ready, and now it is up to Vanderburgh to make the connection. We are the ones sitting here without the money. Eickhoff Koressel was supposed to start. They were going to move dirt out there in October and November, and that is a project that we had intended to use this money on, and we are running \$1 million to \$1.1 short on that road. Granted, we get the \$2 million back, we will be fine. So there are two things that you might want to keep in mind. I guess, my other question is, Commissioner Mourdock did you know anything about this? The COIT money?

Commissioner Mourdock: The COIT money, as I have dealt with it as it's been presented in the previous years, (Inaudible), haven't seen it. Just as I haven't seen the Commission budget this year, (Inaudible). Troy made the comment a moment ago about not having seen the budget, and I don't know where we are with our Commission budget.

President Fanello: I just turned it in. As a matter of fact, Patty made copies on Thursday, Friday morning, because I stayed here until 8:00 Thursday night to finish some things up. So, it is my full intent to give both of you copies.

Commissioner Mourdock: But, it is already turned in?

President Fanello: Part, yes, most of it's already turned in. The Local Roads and Streets was sent down to Teri Lukeman today. So, we will get copies to each Commission member on the budget.

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

President Fanello: Yes.

**(Tape Changed)**

President Fanello: Okay, is there any further comments on the Local Road and Street Fund? I don't think any of us would expect, have expected anything to be different from prior years. So, we'll continue discussions with the Council to get the \$2 million back. Any other Old Business?

Commissioner Mosby: I have one point of Old Business. The Burdette Park Master Plan contract, I was given a copy of that contract today from the Corradino Group,

who had submitted a RFP. I submitted the copy of it to the corporate counsel earlier this morning. He's had time to review it. He has a couple of changes that he would like to see being made, one being that the agency needs to be changed from the Board of Commissioners to, instead of BPW. The City of Evansville, which if they'll pay the bill, I really don't care, but he wants to change that. So, anyhow, I would recommend that, also on page five you may want to put Suzanne Crouch as the attestee instead of Madelyn. It references BPW there too. He said he noticed that there was not a break down, but that was, I think, a lump sump contract of \$50,000.

Commissioner Mourdock: Aren't, for the several changes you want to make though, as Kevin is suggesting, it's something that we need to negotiate?

Commissioner Mosby: No. Just the, no, just these two. We need to change BPW to Board of Commissioners, and we need to change Suzanne Crouch's name instead of Madelyn's name. Now, the one thing that I had asked Kevin about, I think, sometimes turn around, if somebody submits a bill, correct me if I'm wrong, it could be 45 to 60 days. They have a 30 day turn around in here. I mentioned that to them, they said if we wanted to put 60 in here, that was fine with them.

Bill Fluty: Will that be in a contract?

Commissioner Mosby: Yes.

Bill Fluty: A signed contract?

Commissioner Mosby: Yes.

Bill Fluty: That will be if it comes in on Friday, it will be paid the next Friday.

Commissioner Mosby: It can be paid without being advertised?

Bill Fluty: That's correct.

Commissioner Mosby: Okay, because I know I had talked to Suzanne one time, and she says, well, sometimes if we receive bills they have to be advertised.

Bill Fluty: This is a contract, that's the difference between them.

Commissioner Mosby: That's different, okay, then we don't need to change the 30. So, we just need to...I would ask to accept this contract, and make a motion that we accept the contract with the two changes; BPW to Board of Commissioners, and Suzanne Crouch instead of Madelyn Grayson.

Commissioner Mourdock: Kevin you did a chance to look at it earlier?

Kevin Winterheimer: Yes, I did. I didn't have any problem with it, with those two exceptions.

Commissioner Mourdock: Okay, second.

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

Madelyn Grayson: Will that be signed with those corrections this evening.?

Kevin Winternheimer: We don't, no, we'll have to get a corrected copy, but we'll get that to you.

Madelyn Grayson: Okay.

President Fanello: Okay, is there any other Old Business? Seeing none. We will move on to Department Head Reports.

<b>County Engineer</b>
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President Fanello: County Engineer. I think we'll go ahead, and since we're in the County Engineer's report, those who are wanting to speak on Mt. Pleasant...anybody want to speak on Mt. Pleasant?

Brad Sterchi: I'm Brad Sterchi. I'm a resident, home builder, and developer in the area. I heard late this evening that this meeting, or late this afternoon that this meeting had been postponed. I don't know if that's correct or not.

President Fanello: You can go...since you have, I know you have residents with you. We had talked about last week, and I don't remember if you were here last week or not—

Brad Sterchi: I was here two weeks ago.

President Fanello: Okay. We'd talked about last week, because Mr. Gourley was here last week, which he misunderstood, and he was supposed to be here the night that you were here. So, we did set a night, July 15<sup>th</sup>, as the night that we would also talk with the residents who are against the project, and try to come to a decision that night. But, I realize that you have residents with you tonight, so if you want to go ahead and have discussion, we would be more than happy to entertain whatever you have to say.

Brad Sterchi: Well, we had a lot more people coming, and we was able to call some of them off. You know, I appreciate the fact that the one's that did come, come, but we just, we're here in favor of the project. Basically, I don't really know what the quarrel is with opposition, because we haven't got to hear that yet. I don't know if it's just a piece of it, or the whole road, or what.

President Fanello: I was going to say, John, could you probably summarize, real quickly, what the major oppositions are to the project from the other residents?

John Stoll: Yeah. Most of the opposition is based on the turn lanes into the subdivisions, and the turn lanes at the Old State Road intersection. Basically, the road would be three lanes, with that third lane being a dedicated left turn lane at Old State Road, at Big Hill Drive, at Carrington Drive, at Clear Creek Drive, at Northfield Drive, and at Copperfield Drive. Some of the residents are opposed to that. They think that the extra lane is unnecessary, and results in extra right-of-way take on their properties, which in turn adversely impacts their properties. I don't want to put words in their mouth, but in a nutshell, I think, they feel that even with the long term traffic projections, there is no apparent need for the extra lane.

Commissioner Mourdock: And, John, for the meeting on the 15<sup>th</sup>, could you either give us an 8 ½" by 11" map of what you just described, or have it set up on an

overhead, as we often do in zoning meetings, so everybody in the room can see it. I'm sure there will be a lot of people here who want to see this thing visually.

John Stoll: Are you talking about the new design? Or just—

Commissioner Mourdock: The proposed design.

John Stoll: Okay. All I've gotten from Morley's office right now has been the design plans. I can come up with something though—

Commissioner Mourdock: I think it would be helpful if you would.

John Stoll: Okay.

Commissioner Mosby: I guess I'll say one thing. Mr. Sterchi, I'm supposed to meet, excuse me, I'm supposed to meet with Mr. Stoll and Mr. Gourley sometime this week. Probably either Wednesday or Friday. If you would like to be there, I will have Patty or Tammy, one, call you, and let you know when we are going to meet. Then you can go through this with us.

Brad Sterchi: That would be good. I would like to do that.

Commissioner Mosby: Okay. I mean, because I would just as soon have you there, along with Mr. Gourley when we go through this, and, hopefully, we will come to a consensus and a conclusion on what we need to do, and not need to do.

Brad Sterchi: You know, I haven't looked the project over real good. I know it's a nice looking project, what I did see. You know, I mean, I don't think it would hurt any of us if there is changes to be needed, but, basically, we've relied upon the expertise of the professionals to do the, do a quality job. I think that's been done. I hope, you know, a few people not wanting to give up right-of-way doesn't compromise the job. I will state, nobody's gave up more right-of-way for this job than what I have.

Commissioner Mosby: I just hope we've still got the money.

Brad Sterchi: I've got that ready to go too. Thank you.

President Fanello: Thank you, Mr. Sterchi.

Brad Sterchi: So, July 15<sup>th</sup>?

Commissioner Mosby: Well, July 15<sup>th</sup> will be the meeting here.

Brad Sterchi: Right.

Commissioner Mosby: But either Wednesday or Friday me and Mr. Stoll will try to meet you and Mr. Gourley.

Brad Sterchi: So, you'll call me?

Commissioner Mosby: I'm going to have either Tammy or Patty, one of the two will call you. Give them your phone number, if you would. Or cell number, however we can get a hold of you.

President Fanello: Is there anyone else who would like to speak to the project?

Don Windmiller: I'm Don Windmiller. I've lived in Clear Creek project for the last four years. So, I travel Mt. Pleasant everyday. I'm here to tell you that that's a hazardous road. It's too narrow, and it's old, and it needs a lot of repair. They are out there quite often patching potholes, but they don't hold up, because the road is so old, it just can't hold. I toured the road today, particularly, to look at the trees, because I understand that somebody made a big fuss about trees. I have planted thousands of trees in my lifetime, so I'm a tree lover, but I know that trees are not forever. They can be replaced. The trees that are along Mt. Pleasant are pretty scrubby. They are not valuable trees at all. If you'll go out there you'll see some of those trees are in the process of dying. Some of them are already dead. A number of them need to be removed, no matter what happens. I would like to see the road widened so that it's not so dangerous to drive on. Now whether they make it three lanes or just two lanes, it still needs to be wide enough that the cars are not bobbing and dodging each other. Which they are right now. I wondered what Mr. Gourley, what his complaint is? Because it's my understanding that his property is beyond where you were going to improve the road anyway. So, his trees wouldn't be affected. I would like for you to look at the old trees that are out there. They are not very valuable. Thank you.

President Fanello: Thank you.

Commissioner Mosby: I think Mr. Gourley's problem is, and Mr. Stoll is here, he loses, I guess, a lot of acreage on the intersection.

John Stoll: The project does extend out in front of Mr. Gourley's property. By putting in the left turn lane on the east side of Old State Road, in order to prevent an alignment problem we end up putting one on the west side of Old State Road, and that's the one that gets into Mr. Gourley's property. So, he doesn't lose a substantial amount of acreage, but there are several large trees right up on the intersection that he would lose as a part of the right-of-way need for the project.

Commissioner Mourdock: And he would lose on the Mt. Pleasant side too, correct?

John Stoll: Yes. The vast majority--

Commissioner Mourdock: Both Mt. Pleasant and Old State.

John Stoll: Yeah. Most of it is along the Mt. Pleasant frontage.

Don Windmiller: I'm glad you brought that up. There is another part, right now a lot of this land is farm land, that's just in corn. Now as time goes by, you're going to have more development, it might be some industry, or more residential on down towards 41, and then you'll have more complaints about people's property that's going to be involved. Right now seems like a good time to move on that project.

President Fanello: Thank you. Is there anyone else who wishes to speak to Mt. Pleasant?

Susan Tuley: My name is Susan Tuley, and I've lived in Clear Creek for three years. They're right, the road is very narrow. The school busses when they go down that school, that road from Old State, they slant. My son rides that bus, and there is a number of parents that are concerned when it gets icy, or even if it's raining, that

those busses can go right down into those lakes off of Deerfield. They're right, they patch the roads, and they don't stay. The intersection at 41 is horrible to turn on to Mt. Pleasant, so they even need to take that project out to 41 before another person is killed. When the ladies were killed, the four women from Illinois, they routed traffic down Old State to Mt. Pleasant, and semis were going down through there while residents were trying to come home. There was no room for the residents, the semis took up the whole road. So, that's why I feel that they need to widen that road. Not for the safety of everybody that lives there, but for the kids riding the school busses, and if they have another accident on the highway, they always route it that way, up Old State to Mt. Pleasant.

Commissioner Mourdock: The rerouting of that traffic only happens when there's an accident, is that what you're saying?

Susan Tuley: That's true, but there is also construction trucks, big dump trucks. Have any of you traveled Mt. Pleasant lately? Have any of you traveled Mt. Pleasant lately? Okay. In the Wintertime aren't you concerned if you meet a dump truck or a construction truck? Getting through that area?

Commissioner Mourdock: That's true (Inaudible. Mike not on.)

Susan Tuley: Right. Okay, so that, really, it needs to be done. Thank you.

President Fanello: Thank you. If there is no one else wanting to speak, we'll move on to, John. Thank you.

John Stoll: One thing I'll add on that though, our project does not include the 41 intersection. The state is supposed to be addressing that. We'll go up to the east side, the west side of the railroad tracks, but everything out on the state right-of-way is supposed to be addressed by INDOT when they do their upgrade to Highway 41.

Commissioner Mourdock: How far back up (Inaudible. Mike not on.)

John Stoll: Pardon?

Commissioner Mourdock: How far west of 41 is the state's plan coming?

John Stoll: They've not got a final design yet. That was that early coordination letter that was sent out a few weeks ago. The scale was so small, I couldn't tell exactly how far back they were going. They were showing some work on the west side of the tracks, but I don't know if that was because they don't know what we're putting in, or why they were going that far west. They did show some work on the west side of the tracks. That could change depending on what we end up doing on that area. I think the time frame for them to do their 41 upgrade was still several years away. So, we can get that coordination problem resolved between now and then. The only other item I have is a request for approval of the street plans for Cross Pointe, Section E. This is a small section of road that will connect, basically, from, right now where the Outback Steakhouse is, the road will run west, and then make two 90 degree turns, and then connect into the backside of the Kohl's store in the shopping center located at Burkhardt and Lloyd. So, it will make Indiana Street, basically, continuous between that shopping center and Cross Pointe Boulevard. So it will be a good roadway link to have out there.

President Fanello: Finally.

John Stoll: Yeah, it's taken quite awhile. I've reviewed the plans, and would request that they be approved. Basically, it will be an asphalt street with curbs and gutters. It's a pretty short section of road. They will add some signs in there to address the 90 degree curves, and would recommend that the plans be approved.

Commissioner Mourdock: Were you—

Commissioner Mosby: Oh, I was just going to make a motion to approve.

Commissioner Mourdock: Well, let me ask a question then. Was this design compliant with what we approved a few years back, as far as the master plan out there for roads?

John Stoll: Yes. It makes the connection.

Commissioner Mourdock: Okay.

John Stoll: Granted there's always change, because we never know where the road might lie, but when it's actually constructed. But it does provide the connection between the shopping center and Cross Pointe, so it may not provide a frontage road with a 200' or 300' separation off the main line road like you would design if you were starting from scratch, but, at least, it does make the connection.

Commissioner Mourdock: Okay.

Commissioner Mosby: I'll make the motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: I don't. Does anyone have any questions?

Commissioner Mosby: Welcome back.

President Fanello: Yes.

John Stoll: Pardon?

Commissioner Mosby: Welcome back.

President Fanello: Did you have a nice vacation?

John Stoll: It rained everyday down there.

President Fanello: Did it?

John Stoll: Yes.

President Fanello: You went to Florida?

John Stoll: Yeah.

Commissioner Mosby: Did you see any drainage problems? They do have the same problems we have, right?

John Stoll: You name it.

President Fanello: Thank you, John.

Commissioner Mosby: Thanks, John.

<b>County Highway</b>
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President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. I'm pretty sure you all received Ralph's reports. I don't have any new business or anything. I'm open for questioning if you all have any for me.

Commissioner Mourdock: Reggie, do you know if you've gotten a call out there from a Steven Richards regarding grass and weeds along Petersburg Road by the golf course?

Reggie Haskins: Yes. Yes.

Commissioner Mourdock: He had called?

Reggie Haskins: Yes, we've got the work order in.

Commissioner Mourdock: Okay, you've got it in.

Reggie Haskins: Yes.

Commissioner Mourdock: Very good. Thank you.

Reggie Haskins: By the golf course?

John Stoll: Yeah, all that stretch of Petersburg Road is city maintained. We've had a problem in the past where they, the city has wanted us to mow the weeds on the north side of the road, because that is the county side, but they are receiving all the gas tax money on that section of road. So, in my mind, they should be maintaining the entire right-of-way, but, I'm not a lawyer, Kevin can address that, I guess.

Commissioner Mourdock: That's a new one.

Commissioner Mosby: Can we bill them?

Kevin Winterheimer: (Inaudible. Mike not on.)

Commissioner Mourdock: I don't recall ever hearing that one, John. That's a good one. That road out there, Petersburg Road, along the golf course is actually city maintained?

John Stoll: Yeah.

Commissioner Mourdock: Okay.

John Stoll: Back when that wreck happened—

Commissioner Mourdock: Yeah.

John Stoll: —and all that, they did all the changes to the curve—

Commissioner Mourdock: That's right.

Commissioner Mosby: I remember that now.

Commissioner Mourdock: Yeah, I do too.

Commissioner Mosby: Over in City Council we was talking about all the, putting the bumpers out there—

Commissioner Mourdock: Yeah, the speed bumps.

Commissioner Mosby: —and all that. That's right. Every bit of that came in the city.

Commissioner Mourdock: Do you remember telling them to get it mowed?

Commissioner Mosby: No, but where's Joe Kiefer? We'll get a hold of him real quick, and go over...

John Stoll: I can check it again, but I'm almost positive all the way out to 41, that's all...the city's receiving gas tax for all of the road.

Commissioner Mosby: I mean, you're right, because I remember that now, and the city did maintain that. We was talking about, they're not called speed bumps, but what are they?

John Stoll: Rumble strips.

Commissioner Mosby: Rumble strips, yeah. We were putting rumble strips down. I mean, if it is in the county, I guess, we could mow it, I mean, just for the residents sake. I mean, I don't know how that works, but if the county, if the city is maintaining the road—

Kevin Winterheimer: It's their right-of-way, right? Where does...that's what you need to check. If their right-of-way includes the grassy area, and it needs to be mowed, they ought to mow it. I don't know where their right-of-way lines are. Whether it's just at the pavement edge. That's why I said I would have to look into it.

Commissioner Mosby: Well, he said they are collecting the gas tax on it, but.

Kevin Winterheimer: Well, we can talk about it—

Commissioner Mosby: I mean—

Kevin Winterheimer: —and get back with you.

John Stoll: If the right-of-way's at the edge of the pavement, then, I guess, the property owner gets to mow it.

Commissioner Mosby: My only purpose is I just didn't want to see the people out there suffer with weeds all Summer long.

John Stoll: This...I'm sorry, Reg, I was going to say, it's come up before. As far as the maintenance of that stretch of road goes, we've gotten questions on it before, and we've always referred it to the city, because the gas tax revenue went there. Just like Covert Avenue east of Fuquay, that's all, well, east of Shoshoni is all the county's, and, I guess, if we're responsible for the north side of Petersburg, then they should be responsible for the north side of Covert Avenue, and the east side of Jobe's Lane, and things like that.

Commissioner Mourdock: Has this question only come up on the south side of Petersburg?

John Stoll: It's typically been the north side—

Commissioner Mourdock: Where the problem's been?

John Stoll: Right. Where we've been requested, since that's the county side of the road.

Commissioner Mourdock: Yeah.

Commissioner Mosby: I guess, call and see if Jim Crews will do it. Call down to the City Garage and talk to Jim.

President Fanello: Any other questions for Reggie? Okay.

Reggie Haskins: Thank you.

President Fanello: Thank you, Reggie.

<b>County Attorney</b>
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President Fanello: County Attorney.

Kevin Winternheimer: I have no report other than to say I sincerely appreciate you letting me leave early. I had a rainy drive to Indianapolis Monday night, late Monday night. If anybody doesn't believe in I-69, I advise them to drive that route in the rain at night. It's, I think you are taking your life in your own hands. The seminar was excellent, and I appreciate that. That's all.

President Fanello: Thank you. I did have conversation with Kevin just a little while ago. I had asked him to check out the Old Courthouse Fund, and I know that is something we all talked about a few months ago. I believe, from our discussion, it's the Commissioners duty to draft an ordinance to set that fund up. I guess, I would just like to see if everyone would like to go forward in doing that. With the stipulation that we're not taking money from Bridge Tax to fund that, but that we would like to see the Council fund that as a separate fund.

Commissioner Mourdock: I don't have a problem with it.

President Fanello: Richard.

Commissioner Mourdock: I do not have a problem with that.

Commissioner Mosby: I don't have a problem with it as long as they are not taking it out of the Bridge Fund.

President Fanello: That's what, I want to make that very clear.

Commissioner Mosby: It has to be an Old Courthouse Fund for either maintenance or upgrades, and major renovation.

President Fanello: If you all want we could direct Kevin to go ahead, and, maybe, draw up the papers, but, like I said, I only want to do it if we're not taking any Bridge Tax money to fund that.

Commissioner Mourdock: Do we need by resolution though to actually act to create that line item (Inaudible. Mike not on.)

Kevin Winterheimer: Yes, I will do that.

President Fanello: Yes. Okay. The reason I'm asking him to do it is because I saw a calendar come across my desk from the State Board of Accounts that says if you are going to set up a new fund, you have to do it by August 2<sup>nd</sup>, I think. So, that's one of the reasons I brought it up tonight.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Okay. Anybody have any questions? No.

Tammy McKinney: It's just nice to see that my maintenance person made the front page instead of me for once.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. Attendance at the aquatic center and that's been real good this year. I had the girls start working on a six month financial report like we do every year. I intend on having it by next meeting. A question I had for the Commissioners is, when we are going to let the RFP for the construction inspection out, because I hadn't heard from Arc, but I just imagine that they are waiting on—

President Fanello: I thought we already did that.

Commissioner Mosby: No, we took them under advisement. I think Steve's got a copy of them now.

Steve Craig: I turned them back in.

Commissioner Mosby: You turned them back in.

President Fanello: I thought we awarded the lowest bid.

Commissioner Mosby: I think, huh?

President Fanello: I thought we awarded the lowest bid.

Commissioner Mosby: Nope.

President Fanello: Okay.

Commissioner Mosby: I know Steve's looked at them. I would like for John to look at them also—

President Fanello: Okay.

Commissioner Mosby: —and then you two give us a recommendation.

President Fanello: So, can you do that by next Monday?

Steve Craig: Yes, maam.

Commissioner Mosby: We'll have John look at them.

President Fanello: Okay.

Commissioner Mosby: I'm only saying that because he's an engineer.

Steve Craig: That's fine.

President Fanello: John's like, what did I do. We need for you to look at the O'Day Discovery Lodge—

Commissioner Mosby: The RFP's—

Steve Craig: The construction—

President Fanello: Oh, the construction, the maintenance, I'm sorry, I'm thinking of something else. Inspection.

Commissioner Mosby: Hire somebody to do inspection out there, and we got about six bids, and we would like for you to just look at them, and see what you think. Tammy will get you a copy. Steve's looked at them.

President Fanello: We can take care of it.

Commissioner Mosby: Then you two can make a recommendation to us.

Steve Craig: Other than my work reports, those are the only things that I had.

President Fanello: Okay. Thanks, Steve.

Steve Craig: You're welcome.

Commissioner Mosby: The park looks super.

Steve Craig: Thank you.

**SWCD & Ozone Officer Reports**

President Fanello: Okay, Soil and Water and Ozone, do I have a motion to accept those reports.

Commissioner Mourdock: So moved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

Commissioner Mosby: Second.

President Fanello: So ordered, on both of those.

**Consent Items**

President Fanello: Consent Items.

Commissioner Mourdock: Are there any changes?

President Fanello: Yes, any changes? Don't see any.

Commissioner Mosby: Motion to approve Consent Items.

Commissioner Mourdock: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: Second. Or so ordered.

The meeting was adjourned at 7:05 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

Armstrong Assessor	Superior Court	County Clerk
Burdette Park	County Council	

**Travel Requests:**

Perry Assessor	Health Department	Coroner
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**Requests for Service:**

Superior Court	DADS
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**Auditor:**

Indiana State Board of Animal Health Contracts.  
KRONOS Agreement Upgrade for Sheriff's Department.

**Sheriff:** Weekly Jail and Community Correction Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Ed Bassemier	Ed Curtis
Marty Amsler	Joe Kiefer	Lloyd Winnecke
Jamil Wali	Scott Bowers	Troy Tornatta
Phil Hoy	Brad Sterchi	Don Windmiller
Susan Tuley	John Stoll	Reggie Haskins
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County  
Board of Commissioners  
July 8, 2002**

The Vanderburgh County Board of Commissioners met in session this 8<sup>th</sup> day of July, 2002 at 5:30p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioners meeting, July 8, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of County Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; myself. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of prior minutes?

Commissioner Mourdock: So moved.

President Fanello: I'll say second and so ordered.

**Clifford Thomas: ACS: Request for Public Announcement: OSSI**

President Fanello: Clifford Thomas.

Clifford Thomas: I'm Clifford Thomas, Computer Services Department. Open Software Solutions, Incorporated of Greensboro, North Carolina is currently in contract, jointly, with the City of Evansville and Vanderburgh County to provide a fully integrated public safety information system. Per the contract, which states in part section 19, notices;

Any notices required or permitted under this agreement shall be in writing and delivered in person or sent by registered or certified mail.

Open Software Solutions, Incorporated requests from the County Commissioners their permission to publish the submitted public announcement in periodicals of their choosing for the purpose of announcing the agreement between the Vanderburgh County Commissioners and Open Software Solutions, which is a common marketing practice.

President Fanello: Have you reviewed this, Kevin?

Kevin Winternheimer: No, I haven't seen it. I don't have anything. It doesn't sound too (Inaudible. Mike not on.)

Commissioner Mourdock: Yeah, it's basically nothing more than a news release.

Clifford Thomas: Correct.

Commissioner Mourdock: I mean, I didn't have any problem with it.

President Fanello: Okay. Do we need a motion to that effect?

Commissioner Mourdock: I'll move approval to allow OSSI the use of the document provided to us.

President Fanello: Second and so ordered. Thank you, Clifford.

Clifford Thomas: Thank you.

**Clifton Gunderson Presentation: GASB 34**

President Fanello: Next item is presentation by Clifton Gunderson.

Rebecca Dixon: Hi, I'm Rebecca Dixon, and I'm with Clifton Gunderson. Also with me today is Mr. Walt Kelly, and Mr. Michael Quinn. We are here to talk to the County Commissioners regarding GASB 34, which is a new reporting module for financial reporting for governments. I'm going to turn this over to Mr. Kelly, and let him finish from here. Thank you very much for having us.

President Fanello: Thank you, Becky.

Walt Kelly: Good evening. First of all, on behalf of Clifton Gunderson we're very pleased to have the opportunity to be here. What I would like to share with you, very briefly, or as much time as any of you would like, a discussion about this document that's about this thick. It's the new requirements under the governmental accounting standards board for basic financial statements and managements discussion, and an analysis of state and local governments. It's basically a complete reshaping and reformatting of an entity's governmental financial statements. It's what is called generally accepted accounting principals for governments. It's required now for, based on size, as a requirement for Vanderburgh County, just like some of the other larger counties in Indiana; Allen and Lake and Marion in Indianapolis. Again, it's based on size, and to give you...I just wanted to, if I can, just a couple of props. That was the standard, and this is an implementation guide of questions and answers that I served on the committee that helped formulate that. I'm a partner in charge of our Indianapolis office. I've done, our office has done work, and I have personally for the City of Evansville in the past. I've been in practice for 31 years, and what I have devoted my practice to is to working with, really, government accounting and reporting. So, that is what I spend my full time doing. I thought an easy way to help, very briefly, was I brought some information that I am going to pass out. I will use that to kind of highlight. As I showed you, GASB 34, is a rather thick document. What in essence it does, it's changing the basic format of financial statements. That's the first time it's been done in at least three decades that I've been involved with helping governments. What it does is it recharacterized the way financial statements are presented, and it puts them into different columns than the way they used to be presented. It shows, really, a consolidated picture of a county's finances in a way that is much more similar and akin to the private sector. What this document is, is a copy of one of the counties in Ohio that have early implemented.

I thought showing a county would make it more meaningful. To show you what some of the structure of the financial statements might look like. Without going into a lot of detail, and I'll again go into as much detail as you would like afterwards, or if anyone has any questions. You will note, and the first schedule I gave you is called a statement of net assets, and it, basically, takes all of the county's funds, f-u-n-d-s, and moves them into, really, two distinct activities, whether they are governmental in nature or business type. Then if you have component units, and it now has a total column, when you used to not be able to do that, and it groups all of the assets and all of the liabilities, so counties that have reported, or cities that have reported in the past financial information where you put, maybe your assets in one column, and you put all of your debt in another column, and you put your governmental fund, and on a fund by fund basis it changes from that kind of presentation. The next schedule, which is a major change to the way information is being displayed. Typically, financial statements for governments used to look somewhat like private sector, in that you would start out with all your revenue sources, and then you would show all your expense sources, and you would kind of show at the end what you had left over for that year. GASB 34 has changed that to require, first you start with the expenses, and you show what you spent, and then you show what you charged people for those kind of expenses in a different column. Then you show your grants between operating and capital, so you have to differentiate those, and you see what the net position is for a government. As you go through that, it shows what is, as you follow down the column, in this illustrative example, it shows in the middle of the page, then what your general property taxes are used for, and your various, if you have lodging, and sales taxes and into those kind of taxes. So, it's a different presentation that really focuses the reader on the net cost, and requires all costs to be allocated. Something that is not being done now by any government in the state of Indiana, and something that is going to be required this year, for this year end financial statements. The next schedule just shows what, if you have to identify now your major funds. You can't fall within the ability of saying we have a General Fund, and we have a whole bunch of special funds, and we have whole bunch of debt service funds. It says now you've got to identify, in addition to your General Fund, what your major fund types are. Or your fund, not fund types, I apologize. Your major funds, and those are defined mathematically and by judgement. Then you group all others into a total column, which if you turn to the page that happens to be numbered 25, you don't have 25 pages, but this is an excerpt out of a document, shows where you show all other governmental funds, and then in total. So, it's a different look at an entity's financial display. It refocuses the reader, not so much on generic fund types, but it focuses the reader on what are the funds of importance to a particular county government. This is for cities or counties. This just happened to be a county example. Then as a reconciliation, because a lot of adjustments are made only at this reporting level, and you have to be able to get the reader of the financial statements back to the individual fund level. Then if I could have you turn to ,I guess it would be, your page 28, it should be near the end. A major financial statement reporting display change is that governments will now be required to not only show the final budget and the actual results, which more often than not, at least in compliance with state law, would mean that the budget would equal the actual results, because there is usually end of the year annual reappropriations. It also requires a government to show what that original budget was so that a reader can have an assessment of the ability to originally budget to the end budget. So, what I tried to show you very briefly in this information is an overview of the financial statement display changes, and I've highlighted for you what the essence of the changes, the thrust by the governmental accounting standard board, which is the body that sets governmental, sets the standards that all governments have to report by. So, when you do bond issues, and

you go to the rating agencies, and they want to know if you have financial information and financial statements, this is, the model is going to change for you. So, what you've historically received in the past as financial statements will change for you this year. It will either change by a proactive effort on your own part to put together those financial statements, or you will be subject to the risk that the financial information that you're providing will no longer be in accordance with generally accepted accounting principals, unless you put it together in this format. So, what I'm here today to do is to offer to you our services. We would like to assist Vanderburgh County this year in putting together the financial statements in this new model. We think it's something that can be done in the initial year. I think, it's something that in future years, hopefully, you will be able to do on your own, but on any major standard, especially one that hasn't changed in 30 years, it's an unusual occurrence, and it's something that a lot of times communities will ask for additional help. The State Board of Accounts has historically, for governments in Indiana, prepared most of the financial information that they render an opinion on, but the last legislature, I know, didn't see fit to double their staff, and there is going to be a lot of changes. So, consequently, there is going to be a lot more requirements on the county and on cities in the state of Indiana. Those that are subject to implementation to put together their information in that format. I know Catherine is aware of this. She has talked to us a little bit about some of these issues, and we believe that we're doing this particular project, I guess I would say, for two other governmental entities in the state of Indiana. Two other second class cities, so we think not only do we have the, are having the hands on experience...I served on the governmental accounting standards advisory council for now two different four year terms as the representative of one of the constituent groups, the National League of Cities. So, I have the hands on experience working with the GASB board as they formulated these issues. I've been active in the putting together of the questions and answers that are trying to help. I think we would be the kind of firm that could provide you the kind of assistance that you might find advantageous.

President Fanello: Does anyone have any questions?

Commissioner Mourdock: You mentioned that you are doing this for a couple of other cities?

Walt Kelly: Yes, the city of Anderson and the city of East Chicago, and we have great expectations for the town of Fishers.

Commissioner Mourdock: Okay. The timing of this going into effect is to go-

Walt Kelly: This year.

Commissioner Mourdock: -yeah, but this calendar year?

Walt Kelly: Yes.

Commissioner Mourdock: Yeah.

Walt Kelly: So, it would be your financial statements at the end of the year. 12/31/2002. There's more to it than just financial statement display. That is a lot of effort in one, identifying, separating your revenue streams between which one's are general, and which one's are particularly oriented towards a particular expenditure, if you will. Reformatting in how you gather and group information, so that it's grouped in a different way, as opposed to grouping all your special funds, grouping

all your debt services funds, grouping all your capital project funds. It means now that you have to define what are your major funds, and then group all the rest of them together. Then you make what is called, without being, trying to be too much an accountant here, you have to at the end record a lot of your liabilities that you wouldn't have had recorded in the past, and some of your receivables. Only at the reporting level, not at the individual fund level. You have some different basis of accounting that is being grouped together. So, you have to explain that to the reader, and that is some of the reconciliations that are required. The new standard has gone on to say while it's not mirroring a management discussion analysis that you might see in annual corporate report, but it's got a lot of underpinnings that are similar, in that it asks management to specifically address certain factors that change from year to year, so that it puts management on record as to here's what caused this, and here's what's changed. It's like in a lot of public documents, so I mean, a private company, a publicly traded company. So, it's more oriented and more bent towards that. It's not the same, this is the basic financial statement. So, it's not like an option, if we want to do a comprehensive annual financial report, that's an option. Some communities do to show fiscal acumen and full disclosure, will go for what is called a government finance officer's comprehensive annual financial report. Which means it has all the disclosures required to receive that certificate. That is something that several communities in the state of Indiana have. It's not an optional thing. This is required in order to have financial statements prepared in accordance with generally accepted accounting principles. So, when you don't have that it's just one more issue that you need to discuss with your rating people when you are doing bond issues, because it doesn't take much of a change on credit worthiness to certainly compensate advisors and consultants to help you put together your financial statements.

President Fanello: Are there any questions?

Commissioner Mourdock: I move then we take it under advisement.

President Fanello: Okay. Thank you. We'll have discussion about it.

Walt Kelly: Thank you.

President Fanello: I think what we probably need to do is we need to set up a meeting with the County Auditor, because this is going to be a major responsibility for the County Auditor.

Walt Kelly: Yes.

President Fanello: It's probably really not a Commissioner responsibility, to a certain extent, but a lot of it rests on the County Auditor.

Walt Kelly: Clearly, the County Auditor has to gather the data for you, but we thought it was important that we first come to the Commissioners, in your particular role to highlight—

President Fanello: Yes.

Walt Kelly: —to you what we think is an important issue to address.

President Fanello: I think that's important so we all understand what's going on. Alright. Thank you.

Walt Kelly: Thank you.

**Any Group or Individual Wishing to Address the Board**

President Fanello: Is there any other group or individual in the audience wishing to address the board at this time?

**New Business**

President Fanello: New Business, Richard, I gave you a copy of the budget–

Commissioner Mourdock: Which, obviously, I haven't looked at–

President Fanello: Yeah.

Commissioner Mourdock: –since I got this at the start of the–

President Fanello: I did want to bring up a couple other things. I had requests, well, first thing I will bring up is, last week we directed Kevin to come up with, I guess, an ordinance or a resolution on the Old Courthouse Fund.

Commissioner Mourdock: Two weeks ago.

President Fanello: Was it two weeks ago? I'm not sure, this is probably more of a question for Suzanne. If we go ahead and get that fund implemented, do I need to go ahead, do we need to go ahead and give you the proposed expenditures that we would like to see out of that fund at this time? Or do we wait until a certain time?

Suzanne Crouch: I know you have to submit all the paperwork and have everything completed by August 1<sup>st</sup>–

President Fanello: Uh-huh.

Suzanne Crouch: –which I'm sure Kevin is aware of. I would presume that we probably do need to have some type of budget for expenditures–

President Fanello: Okay.

Suzanne Crouch: –otherwise, we would have to do all additional appropriations after the first of the year, which is an option.

President Fanello: Okay. Well, I have a proposed one here for you to look at, and this was based on, I think, what was the maximum levy? Point, what .0167, I think was the maximum levy that you could do on the Courthouse Fund. So, I've written these three things down for discussion. The first one was some ADA Modifications, which were identified in the Old Courthouse Task Force Study. All of these were identified in the Courthouse, blah, I'll get it out in a minute, Task Force Study. Those totaled \$75,000. Window restoration, \$350,000, and they identified some repairs to the public spaces within the building, and those came to \$325,000. So, a total of \$750,000 of expenditures. I'm not exactly sure how much revenue the maximum levy on that fund would raise. I think it was somewhere around seven hundred and something from prior discussion with Suzanne. So, those are possible. Certainly

up for discussion, but, if we want, we can go ahead and maybe give them to Suzanne to hold on to. That could be a –

Suzanne Crouch: Do you want to submit that in the budget book?

President Fanello: If, that's why I didn't know–

Suzanne Crouch: As a department?

President Fanello: That's why I didn't know if you probably needed it now, or what. So, I wanted to bring it to tonight's meeting–

Suzanne Crouch: Yeah.

President Fanello: –and get it to you. I also received three other requests that I wanted to bring up for discussion. I received one from the Greenway Passage Board. They would like for us to consider putting \$10,000 to \$12,000 in our budget as an annual grant to them. The other one was the–

Commissioner Mourdock: You received this since you've compiled this.

President Fanello: Yes, yes. The other one, which I seem to have misplaced here, was from the Southwest Indiana Disaster Resistant Community Corporation. Their requesting \$10,000 in the budget. The Sheriff's Department had also sent us a request for \$250,000 for Patrol Vehicles, and \$50,000 for Court Security Systems Upgrade. I did go ahead, I did get this request early, and went ahead and put it in the CCD budget for \$125,000 for Patrol Vehicles, and, I believe, I don't want to misspeak here, I don't remember if we did the–

Commissioner Mourdock: \$125,000 of the request?

President Fanello: Yes, yes. The \$125,000 for the request for vehicles. So, if we wanted to add any on top of that, we certainly can.

Commissioner Mourdock: Okay, and the \$50,000 for the Courts Security–

President Fanello: That one I did not put in yet–

Commissioner Mourdock: Okay.

President Fanello: –because I thought we, I think we reached our maximum in CCD by the time we got to their request, because the estimated revenue per the Auditor was \$1.6 million. Right now we are at \$1.53. So, I guess, we have time, I guess, over the next week or so if we need to add anything, Suzanne? Is that possible?

Suzanne Crouch: Very quickly.

President Fanello: Okay. That's what I thought. So, I guess, if maybe if we took these under advisement over the next week, and maybe came back, would that be soon enough, next Monday?

Suzanne Crouch: Okay.

Commissioner Mourdock: Yeah. Okay, I'll move we take them under advisement with the plan of acting next week.

President Fanello: Okay. Second and so ordered. Is there any other New Business to bring before the board?

<b>Old Business</b>
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President Fanello: Old Business. I wanted to bring up at least one item. Oh, I'm sorry, go ahead.

Suzanne Crouch: Excuse me. I had wanted to bring up under Old Business the requests that you had made for us to look at the city's financial report. We did, and I know now more about city budgeting than I care to know about, which isn't much. It's certainly points out the fact that the city and county are different. There are some things in that that we do like, we think would be helpful. We appreciate you bringing that to our attention. Just a couple of observations, on the monthly cash report, which we provide, the city's is much smaller. They have 87 funds, and we have 227 funds. They also have a little smaller font, so we'll work on trying to get our font smaller, at least make it appear a little briefer. On the MOEXPENSE report, the city has line item, has one line item for salaries, whereas the county has every individual salary in there. That's something that we can probably look at, you know, adjusting and cutting down a little smaller. We like some of the REVLED, you know, how that is presented, and so we're going to work on that. So, we appreciate you bringing that to our attention. The only thing, I want to be absolutely 100% sure of is if we make changes, any changes in our reporting, that it doesn't affect our budget process. Because sometimes we do changes in one budget report, and that has some—

President Fanello: I know all about those.

Suzanne Crouch: —other issues. On the CAFR, we did speak to State Board of Accounts, and we're pursuing that with due diligence—

President Fanello: Okay.

Suzanne Crouch: —and may need to work with you on that, perhaps—

President Fanello: Okay.

Suzanne Crouch: —when we get a little closer to that. So, I just wanted to report that. Appreciate you bringing that to our attention. We'll work to get that information in a little more condensed manner.

President Fanello: I appreciate that. I kind of spoke with Alan briefly about budgeting matters, but he had mentioned that there could be a possibility of maybe of putting those on a CD-ROM, or something, and that would be wonderful.

Suzanne Crouch: Yes.

President Fanello: That would be excellent.

Suzanne Crouch: He didn't think that would be a problem.

President Fanello: Yeah, I think that would be great.

Suzanne Crouch: So, in fact, I think we talked to them this morning down there, so.

President Fanello: I would love to just take it and go put it in the computer and look at it. That would be fine. Thank you. The other thing I wanted to bring up was last week's Council meeting, because I'm sure we all read the newspaper, for those of us who do read the newspaper. I just wanted to say that today I spoke with Republican Councilman and Democrat Councilman, and we all pretty much had the same conversation that county business didn't get taken care of last Wednesday. That's a shame. There were a lot of personal remarks made at the Council meeting, and the only one who suffered that day was the taxpayer, because we didn't get to the issues, and to the root of the problems. You know, as we've been discussing over the past couple of weeks, you know, it's a fact that the Council made the decision last year not to fully put all of the revenue that they had in the past, and the Local Road and Street Fund went from \$3 million to \$1 million. Commissioner Mourdock, you even stated that you really didn't know of anything that would have changed, or why it would have changed last week, or were aware that it was going to change. I don't think any of us were. What we have to focus on is, you know, getting these important projects done. You know, that includes the Lynch Road extension to Warrick County. It includes the Eickhoff/Koressel Road Project. Those are some important road projects to Vanderburgh County. If you saw in the newspaper a couple of weeks ago, and I think I brought this once before, you know, the Lynch Road Project, it says relief on way for drivers. I can't probably stress enough how important of a project this is to Vanderburgh County and to the east side, and how important it is to economic development to get this project done. Had the cash been there, we could have went and asked for an appropriation, but it's not there, and, you know, we all have to work together to see that these projects get done. I'm very excited about these projects, and what I want to do is, you know, we want, I want to get county business done. I don't want to see happen what happened at last week's Council meeting, because I don't think it's good for anybody. It doesn't make any difference if it's good for us. People can make personal attacks on me, we're elected officials, and we get personally attacked all the time, but I'm here to do the county's business. I want to keep on track of doing the county's business. I want to see these projects get done. I mean, we're showing an enormous cooperative spirit on getting the jail project done. We've opened communication, we talked about the juvenile project that you and I agreed on last week. I just want to stay on track. The Councilmen that I spoke to on both party sides want to do the same. It was a positive discussion. They want to, you know, move things forward, and I do. So, I just kind of wanted to bring that to everyone's attention that we need to stay focused on the projects and the issues and stay away from the kind of meeting that we had last week. What I do, what I wanted to bring up was the fact that Suzanne had mentioned that we could go and ask for an appropriation out of, I believe, the COIT Windfall Fund, because it did have a nice sizable cash balance in it, that we could ask for it. So, I wanted to seek your support in doing that for the Lynch Road Project. We may need to go ahead and ask for some for the Eickhoff/Koressel Road Project. So, I just wanted to bring that up for discussion, and see if you could support that.

Commissioner Mourdock: Yeah, I don't think there's any reason why I wouldn't support that.

President Fanello: Okay.

Commissioner Mourdock: Certainly, as you've said, we're all here to deal with the issues the best we can on the benefit, or for the benefit of the taxpayers. It's all about communication. It has been from the first day I got here, which was long before you got here. This body functions best when there is a lot of communication. Not just between the three Commissioners and the Councilmen, but between the Auditor, the Treasurer, the Recorder and everybody that we need to work with. So, again, I presume what you just said is not in the documents I've got here?

President Fanello: No.

Commissioner Mourdock: Let's put it on a piece of paper—

President Fanello: Okay.

Commissioner Mourdock: —and we'll take a look at it. I certainly have supported both of those projects in the past.

President Fanello: Okay. Tammy's got those on her list as possible appropriations, and since you're in favor of that, we'll go ahead and put that on. I think they have to be in by the 15<sup>th</sup> of this month. I appreciate your cooperation. I don't know of any probably elected official who wouldn't want to see those road projects done, because they benefit our community so well. So, I appreciate that. We did talk about, both Republicans and Democrats today, the Councilmen I spoke to, we all agree that everyone needs to have all the information going into budget time this year, because this is going to be a tight budget this year.

Commissioner Mourdock: It is going to be very tight.

President Fanello: We've got a lot of things on the table.

Commissioner Mourdock: I know you've made the comment several times about making sure that we have good planning. That budget is the heart of the plan.

President Fanello: Uh-huh.

Commissioner Mourdock: So, if there needs to be appropriate, an appropriations request, we need to work that out as best we can, and get that as part of the overall plan.

President Fanello: Uh-huh, and I am, you know, last year we did put together a five year capital improvement plan, and I'm working to update that for the Commissioners. It's not finished yet, but it should be finished over the next week or so. Okay. Is there any other Old Business?

Commissioner Mourdock: I have some jail business. Do you want to do it under Old Business?

President Fanello: Sure.

Commissioner Mourdock: It can't get older than jail business.

President Fanello: It's an old project.

Commissioner Mourdock: Did you see, I received on Wednesday, when I went to the Area Plan Commission meeting, one of the engineers who's been working with the city, as they've done some of the negotiations, presented me with a map, and I put that in your box—

President Fanello: Uh-huh. I saw that.

Commissioner Mourdock: I don't know if you saw the most significant thing about it, but the most significant thing is there is no access to US 41—

President Fanello: Uh-huh.

Commissioner Mourdock: —off the property that's being acquired. Which is to say that the access that's there is simply emergency only type access, because Wansford Yard/CSX wants to make sure that they are still, first and foremost, in the railroad business, and they don't want a road going across their railroad out there. So, I don't know that, excuse me, that you were aware of that, or David was aware of it. Certainly, I was not aware of it, until I saw that map. I don't know that that changes our thinking considerably, but I think it does make the, oh, the necessity of dealing with the neighborhood something much greater, because it would certainly be a lot more traffic going into that property from the west side than, I think, at least what I anticipated from the east side. The other part of that is the on-going environmental concerns. Mr. Shopmeyer has worked with the city for some time dealing with that. He is a specialist in environmental law. That's one of the big issues they continue to look at out there. By way of suggestion, it might be well, it might do the county well to retain Mr. Shopmeyer, working through Kevin on part of that, because of his environmental background, and his background on doing the negotiations with CSX. I have not spoken to him about that issue, but why reinvent the wheel is always a pretty good—

President Fanello: Uh-huh, since he's already done it, is he willing to do it free of charge?

Commissioner Mourdock: That's a fair question, but I suspect I know the answer. What would be free of charge, obviously, is the experience he's had in making the contacts with the people within CSX. I think, seriously, it's something we need to consider.

President Fanello: Well, I do know, and Commissioner Mosby, I believe it was reported in the newspaper last week, if we can refer to that, it did say that, I think, CSX is coming down the week of the 15<sup>th</sup>. Those are definitely, I think, Tammy could make those issues known to him from tonight's meeting when he gets back from vacation.

Commissioner Mourdock: Okay.

President Fanello: Those could definitely be discussion items.

Commissioner Mourdock: Kevin, do you have any comments regarding the environmental law issues out there? I know, I'm not looking for specifics, because you don't know anymore than we know of it, specifically, but is that something you are going to feel comfortable dealing with through negotiations? Or is that something you are going to look to farm out? Or do you know yet?

Kevin Winternheimer: That's something that we will end up with a consultant. Not necessarily, initially, a lawyer—

Commissioner Mourdock: Sure.

Kevin Winternheimer: —but a field type environmental consultant to take a look at and go through, at this point it's a little premature to bring somebody else on board. There's some other issues involved too, but, certainly we are cognizant of the environmental concerns—

Commissioner Mourdock: Yeah.

Kevin Winternheimer: —and when we get to that point, we'll take the necessary steps.

Commissioner Mourdock: Yeah, were you aware, Catherine or Kevin, about the access from 41 issue?

President Fanello: I had heard about access issues, but to me those are things that can be taken care of with the proper planning, but—

Commissioner Mourdock: Yeah, well, apparently, and, Kevin, this is my impression, this could be totally wrong, but from what I understand, they've drawn a pretty hard line to say no regular access across those tracks. Because they still have two tracks running north-south through there. It, for some reason in my mind, I envisioned, both for the city and for whatever the jail would be, to have access, basically, at Lynch Road. All the access is actually another half mile north of there onto 41. As I understand it, that is emergency access only. So, how that affects our plans will be profound, but it doesn't necessarily mean it's a fatal flaw, but I think it does mean that we need to deal with the neighbors, and might be looking to deal with the city on some other improvements just as infrastructure by way of highway that we need to get in there.

President Fanello: Things I'm sure we can address, and we can bring up at the meeting, Commissioner Mosby, can bring up at the meeting next week, and see what kind of answers we get.

Commissioner Mourdock: Okay.

President Fanello: Okay.

Commissioner Mourdock: One other bit of old unfinished business is we said last week that we would act on the Airport appointments. I would, again, move the appointment of Jerry Schmits to the Airport Board to replace Mr. Ossenberg.

President Fanello: I do have one person I'm, I have considered for that appointment. If we could just table it for one more week, I would appreciate it. Is there any other Old Business? Department Head Reports, County Engineer.

Madelyn Grayson: May we make a quick tape change?

President Fanello: Yes.

**(Tape Changed)**

Commissioner Mourdock: Going back to the jail issue for a moment. With, the meeting that David is having with those folks on the 15<sup>th</sup>, I was looking, should we schedule an Executive Session to talk about negotiating strategy?

President Fanello: I think we already have an Executive Session that day, don't we? Aren't we supposed to schedule an Executive on the 15<sup>th</sup>?

Kevin Winternheimer: I was going to request one to discuss litigation issues.

President Fanello: I was going, I thought Tammy mentioned that Friday.

Kevin Winternheimer: I definitely had that on the list.

Commissioner Mourdock: Yeah.

President Fanello: That's fine.

Kevin Winternheimer: I'll bring it up during my report.

Commissioner Mourdock: Okay. Even so, that will be after David's meeting, I guess.

President Fanello: Okay.

<b>County Engineer</b>
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John Stoll: I received a request from Andy Easley Engineering on Fawn Creek Subdivision, Section A for a change in the street plans. The cul-de-sac shown there was originally drawn up with a 40' radius on the cul-de sac, and now they would like to revise it to a 30' radius, just to cut some costs to the project. The 30' radius will meet the county's minimum standards, so it's requested that the modification from the 40' radius to the 30' radius be approved.

Commissioner Mourdock: So moved.

President Fanello: Second and so ordered.

John Stoll: Next, I would like to request that the Cypress-Dale Culvert Replacement Project be awarded to CCC of Evansville for the amount of \$27,784.75. They provided the low price quote on the project.

Commissioner Mourdock: I would move approval of the award as recommended.

President Fanello: Second and so ordered.

John Stoll: Next, I've got an amended street acceptance. Last year we accepted Pearl Court in Eagle Plaza West Subdivision. Whenever, I was looking through the recorded plat last week to send in some sign work orders, and found that the recorded subdivision plat actually calls it Pearl Drive. So, this is just a paperwork matter, basically, reaccepting the street as Pearl Drive instead of Pearl Court. This replaces the acceptance dated October 15, 2001.

Commissioner Mourdock: Do we need a motion to accept that one, John?

President Fanello: Do we need a motion? Excuse me.

John Stoll: Since it's already accepted, I don't know that we need a motion for acceptance. It's just the paperwork to cover—

Commissioner Mourdock: To acknowledge it.

John Stoll: —it, so, basically, that way when somebody researches it in the future, they will have a record of the street was accepted with the correct name. Next, I would like to request approval to go to County Council for an appropriation and a transfer. I would like to appropriate \$12,000 to account number 2160-4825. This is the Pine Place and Heather Court Project. This is to cover some change orders we'll have on the project due to some overruns of pavement patching and additional pipe, and things like that.

President Fanello: What was the amount of the request?

John Stoll: \$12,000.

President Fanello: Okay.

Commissioner Mourdock: I'll move approval of the Council call.

President Fanello: Second and so ordered.

John Stoll: The second one was for a transfer of \$75,000 from the Old Henderson Bridge Account, this is number 2030-4406 to the Contractual Account, which is account number 2030-3930. This would cover costs of projects for Rodenberg Avenue, and also a culvert out off of Hillview Drive.

Commissioner Mourdock: Move approval of the transfer.

President Fanello: Second and so ordered.

John Stoll: Next, I would like to request approval of street plans for Section IV of Bridlewood Subdivision. This is just a single cul-de-sac extension in Bridlewood Subdivision, which is located out off Boonville-New Harmony Road, just west of Fisher Road. Just like the rest of the subdivision, it will be an asphalt street, curb and gutter, and it's requested that these street plans be approved.

Commissioner Mourdock: So moved.

President Fanello: Second and so ordered. Did you have a pen, John, that you wanted? Okay.

John Stoll: Next, I would like to request approval to hire Clark Dietz for the development of the NPDES permits for the Rule Thirteen for the IDEM regulations.

Commissioner Mourdock: So moved.

President Fanello: Second and so ordered.

John Stoll: Last I wanted to let you know that because of all the condemnations we've had out on the Eickhoff/Koressel Project, we will end up having a

supplemental for the right-of-way acquisition agreement with Bernardin Lochmueller. Dealing with those recent parcels, basically, we've been having to get quite a few more aerials, and set plan sheets, and things like that from Bernardin. That wasn't figured in, as well as their additional time in coordinating these things. I don't have a dollar figure as of yet, but there will be a supplemental when the project is completed. That's all I have, unless you've got any questions on anything.

President Fanello: Any questions? Thank you, John.

Commissioner Mourdock: Yeah, one question, John. I happened to drive by the other day when it was about 98 degrees, and saw you and David and Mr. Gourley and Mr. Sterchi talking. Was there any meeting of the minds there? Or were there any frank, meaningful and heartfelt discussions, and all points of view were aired, and all that?

John Stoll: Basically, the same thing, Mr. Gourley and Mr. Hare still want some changes made. Their preference would be that the project not touch their properties. I've talked to Morley's office again today about some additional changes that might be able to be made if the design remains as is to try and lessen some impacts in a couple of areas on the Gourley property. In regard to the Hare property, which is on the south side of Mt. Pleasant, just across the street from Gourley—

Commissioner Mourdock: Southwest corner?

John Stoll: Yes. He was asking if we could steepen up the side slopes of the road, based on the current design, and not get back into the fence that's around his pool. So, I've asked Morley's office to look into that as well to see if it would be a steeper slope. It may necessitate guardrail if the design remains as is, and we run a two to one slope, or something like that out there. That's something that Morley's office is going to look into as well.

Commissioner Mourdock: Okay.

President Fanello: They are coming back next Monday night, right?

John Stoll: Right.

President Fanello: Okay.

Commissioner Mourdock: I was tempted to stop, and then I thought I better keep going. (Inaudible) meeting.

John Stoll: You'll get to hear it all next Monday anyway.

Commissioner Mourdock: I could hear it with the window down, actually.

President Fanello: Thank you, John.

<b>County Highway</b>
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President Fanello: County Highway Department. I hate these envelopes.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports. I do have a letter that I would like to read to you. It's addressed to the County Commissioners, Catherine Fanello, David Mosby, and Richard Mourdock.

Commissioners, while I have tried to serve the residents of the county to the best of my ability in the past 18 months, I have come to some conclusions that I cannot ignore. First and foremost, that certain County Councilmembers don't care how hard a person is working to improve service to the residents of the county, unless it benefits them as individuals. Second, it seems to me that the Evansville Courier and Press is only interested in what I do when I am on vacation or personal time, not what I do at work. I have been attacked twice by Susan Taylor for wrongdoing. On both occasions I was on vacation or personal time. I do not ask my employees what they do on their vacation time, I think that Department Heads should be shown the same courtesy. I was hired by David Mosby and Catherine Fanello to do a job, and I have done just that. If I had wanted to be followed and harassed by Susan Taylor and Curt Wortman, I would have ran for an elected office. My final observation is that until the County Council decides to pay their Department Heads the salary that the job commands, they will continue to restrict the County Commissioners and the taxpayers of Vanderburgh County from hiring and retaining qualified persons to supervise their county departments. In closing, I am officially handing to you, the Commissioners of Vanderburgh County, my resignation dated this 8<sup>th</sup> day of July, 2002. I will remain on the job, and be glad to assist the Commissioners in the selection of my replacement until July 26, 2002.

President Fanello: This is pretty sad, because this is one of the best employees this county has had. That County Garage was in sad shape until this man took it over. Very sad. I would like for you to come to the Executive Session next Monday night to talk about the allegations against Mr. Wortman that you and I discussed.

Ralph Kissinger: That's fine.

Commissioner Mourdock: Excuse me, I want to be sure I heard what you said. The allegations against—

President Fanello: Yes, they, yeah.

Commissioner Mourdock: —Mr. Wortman?

President Fanello: Councilman Wortman.

Commissioner Mourdock: Okay.

Ralph Kissinger: Sure. No problem.

Commissioner Mourdock: Alright.

President Fanello: Okay.

Ralph Kissinger: Thank you.

Commissioner Mourdock: May I ask you a question?

Ralph Kissinger: Yes.

Commissioner Mourdock: Obviously, I did not know this was coming, Ralph. So, I'm kind of shocked here too.

Ralph Kissinger: I sent it out to you Friday. I thought maybe you had it by now.

Commissioner Mourdock: How did you send it?

President Fanello: They were in envelopes--

Commissioner Mourdock: Oh, they were in the envelopes--

President Fanello: --that we all just received.

Commissioner Mourdock: --Catherine just handed out.

Ralph Kissinger: Yes, I addressed one to each Commissioner.

Commissioner Mourdock: Yeah, and she just handed it to me.

Ralph Kissinger: Oh, I'm sorry.

Commissioner Mourdock: I did not know until--

Ralph Kissinger: I thought it was in your mail.

Commissioner Mourdock: No.

Ralph Kissinger: I didn't realize that.

Commissioner Mourdock: Okay. Question for you on Red Bank and is it Upper Mt. Vernon where we've done the milling already?

Ralph Kissinger: Uh-huh.

Commissioner Mourdock: When, and maybe they have since I was out there the other day, but do you know when that is going to get paved?

Ralph Kissinger: Yeah, they started the binder on it today.

Commissioner Mourdock: Okay.

Ralph Kissinger: We had a lot of patch work to do out there. So, we were patching last week, of course, the holiday in the middle of the week slowed things down, but the binder was started this morning. They will continue on Red Bank, and once they get the binder there, they are going to binder Mt. Vernon Road, Upper Mt. Vernon, then they will come back for surface. It should be, it should be within the next week or two.

Commissioner Mourdock: Okay, because I had gotten a couple of calls from people that were driving, and you know sliding around on the milled surfaces.

Ralph Kissinger: Sure. I put some rough pavement signs out, and I've tried to put some information signs out, but signs are only as good the people that read them.

Commissioner Mourdock: Sure. Sure, just like as good as the orange vests that people seem to aim for.

Ralph Kissinger: Exactly.

Commissioner Mourdock: Okay.

Ralph Kissinger: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Yes, the only matter I had to bring is requesting an Executive Session for next Monday, July 15<sup>th</sup>. I was contacted by Jay Ziemer, he has a number of cases that are pending that he wants discussed. I believe he has some that, and this may particularly deal with some of the condemnations. It would be considered initiation of litigation, if we have to go that far. Based on what I just heard, maybe we have some personnel matters that ought to be added to that list. So, I don't know how much time, I had originally asked for from 5:00 to 5:30, but I think we are going to need more time than that. So, however early you can start is fine.

President Fanello: I think—

Commissioner Mourdock: And if we could add to that too, as far as the advertisement, to discuss the negotiations for the real estate. I think that's a very pertinent issue.

Kevin Winternheimer: Okay, we can add that too.

Commissioner Mourdock: So, I would move then that we have an Executive Session from 4:30 to 5:30 on Monday, July 15<sup>th</sup>.

Kevin Winternheimer: Okay.

Commissioner Mourdock: We need a second.

President Fanello: Second and so ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Okay.

Commissioner Mourdock: One question for you, Kevin. I got a call this morning from Steve Perry. Apparently you have called him, and—

Kevin Winternheimer: Tomorrow morning, I think it's 10:00. I would have to look at my calendar. I've got a meeting with him tomorrow morning.

Commissioner Mourdock: Okay, very good.

Kevin Winterheimer: Yeah.

Commissioner Mourdock: Very good. Catherine, you mentioned a moment ago juvenile, and I think did the Council get around to doing a resolution—

President Fanello: They talked—

Commissioner Mourdock: —or something?

President Fanello: I really don't know what kind of resolution it was, to be honest with you, but I think what they are going to do, and it was discussed by all the Councilman, and there were some Councilmen sitting up there who wanted to compare, and Suzanne was there, so if I get this wrong, tell me. They wanted to compare building our own versus contracting with the YCC. Basically, putting the numbers to the paper, and doing the comparison before they made, I think, a final decision.

Commissioner Mourdock: Okay, was there actually a resolution, as such then?

Suzanne Crouch: I think it ended up a motion. That's what I think.

President Fanello: Yeah.

Suzanne Crouch: I think it ended up a motion.

Commissioner Mourdock: Okay.

President Fanello: I don't know that...I can't remember the exact—

Suzanne Crouch: They didn't have anything in writing.

President Fanello: Yeah.

Suzanne Crouch: Typically, you do for a resolution.

Commissioner Mourdock: Right. Okay.

Suzanne Crouch: I believe the motion was to be supportive of the Commissioners—

President Fanello: Yes.

Suzanne Crouch: —moving forward—

President Fanello: Yes.

Suzanne Crouch: —in discussion.

Commissioner Mourdock: Which we're doing with Kevin. So, okay, very good.

President Fanello: Yes.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Thank you.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing I have was on that RFP on the construction inspection. I would like another week. John and I had talked before the meeting with Tammy—

President Fanello: Okay.

Steve Craig: —and I would like another week to make sure we've got everything in order the way that we want to. I don't feel confident doing it right now.

President Fanello: Okay, that's fine.

Steve Craig: You have my worksheets. I had promised to try to get my, the receipts and that for the year up to date, but as of this afternoon, Jamie didn't have them done. So, I will have them next week. I was having her break them down in different categories, and with the 4<sup>th</sup> of July and that we didn't get them done. So, and the crowds have been fabulous. We had a great four day weekend. Probably one of the biggest one's we've ever had, so.

President Fanello: It was hot enough.

Steve Craig: Yes. That's what we need. Definitely hotter than the 4<sup>th</sup> of July, you know.

Commissioner Mourdock: What is not going well?

Steve Craig: Been having a lot of repairs on the swimming pool. You know, little stuff, the fiberglass and that, but we fix each one as we come to it. Really it's been going good. Just keeping up with an old swimming pool.

Commissioner Mourdock: Yeah, well, keep the list of what doesn't go well, and when times slow down, you've got a whole good list of things to work on.

Steve Craig: Yeah, that's one thing that we don't have control over. You know, the fiberglass part of it, but we're looking to redo it this year, because the warranty is up on it, and look to the newer systems that are supposed to be better than, I guess, what we've got.

Commissioner Mourdock: Is that the one that we just redid about four or five years ago?

Steve Craig: Five years ago.

Commissioner Mourdock: Has it been that long?

Steve Craig: Uh-huh. It had a five year warranty, and, I guess, they was pretty close on it.

Commissioner Mourdock: Yeah, it usually works that way.

Steve Craig: Yes, it does.

President Fanello: Any other questions? Thank you, Steve.

Steve Craig: Thank you.

<b>Soil and Water Conservation District</b>
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Commissioner Mourdock: I'll move, nope, I won't either, Norma is here.

Norma Duckworth: Here's a synopsis.

President Fanello: Thank you.

Madelyn Grayson: Norma, do you have an extra one for the record, by any chance?

Norma Duckworth: Yes, I do.

Commissioner Mourdock: You can have mine.

Norma Duckworth: One thing I wanted to clarify. I do have a different name. My name is Norman Duckworth now. I got married in May. I'm Soil and Water. I didn't bring any pictures this time. I didn't see anything that really I thought that I needed to bring your attention to. We have several on-going Rule Five non-compliant sites. The letters have been sent, and we are doing rechecks scheduled this week. Most of them we are seeing improvement in, where we're going from a major problems, more to maintenance, and keeping the streets clean, that kind of thing. So, we are seeing some improvement in most of the sites. McCutchan Court, which we've addressed here before, has gone to enforcement. There are still issues there, and we're checking that on a weekly basis, because of the soil erosion problems there. We are, it's busy, we've had five new major projects break ground just in the last, really, couple of weeks, besides the on-going projects. We have checked them, and we found only minor infractions, most of which the corrections have been made immediately. We've had a lot of phone calls on Grant Hill, I think, because it is at Boonville-New Harmony and 41. It's very visible, and there is a lot of earth being moved. They're doing a real good job. In fact, they voluntarily did change some of their plans to try to control the sediment better. So, we're getting cooperation from them on any issues that have arisen. We always have a lot of local ordinance complaints. Most have been resolved. They are usually pretty small. There are a couple on-going, and those, possibly, may go to litigation, which we will notify you if they do. Just a couple of small things, I attended a workshop and got a certification in Project Wet, which is an education project on water quality. I'll be attending the Soil Conservation Society Annual Conference, and taking a class in soil erosion control techniques, and I'm going to try to get my certification. I'm trying to work in, as much as possible, education. I've worked with several groups in the last few weeks on conservation issues. I think they've been very effective. We are

going to have an informational booth at the Vanderburgh County Fair. The Clean Water Indiana Projects are moving forward. We did have one of the projects that had been set, was withdrawn, and we're working on a couple of ideas to replace that project. Those are monies to approve, directly approve, water quality in Vanderburgh County. Any questions?

Commissioner Mourdock: I think it was two weeks ago tonight, we had a huge rain in progress while we had the Drainage Board meeting going on.

President Fanello: Uh-huh.

Commissioner Mourdock: Was it Windham Hill?

President Fanello: I think so.

Commissioner Mourdock: Did you get much the next day on Windham Hill? Did you hear a lot of calls, complaints?

Norma Duckworth: We had one, and Michael went out on that. That is one of our on-going sites that we've been working with. I could be wrong on this, but I believe that he has done what he was asked to do to try to correct those problems.

Commissioner Mourdock: You're not aware of a flood of, no pun intended, a bunch of complaints the day after that big rain two weeks ago? Because they had done some things, and the question, while we were here that night, when it was pouring, was whether or not what they had done would work.

Norma Duckworth: I am aware of only one. I spoke to somebody myself, and that was not really on the matter that I think you are speaking of—

Commissioner Mourdock: Okay.

Norma Duckworth: —and I really think that probably Mr. Wathen could speak to that better. I know he went out on it, and I did not go back out on the, on any of the complaints on that.

Commissioner Mourdock: Very good.

Norma Duckworth: We will be going there Thursday for a recheck, so he should, or we should have more information on what's going on there at that time too.

Commissioner Mourdock: Okay. Very good.

President Fanello: Thank you, Norma.

Norma Duckworth: Okay.

<b>Ozone Officers Report</b>
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Commissioner Mourdock: We have the Ozone Officers Report in the file, so, I would move that we add that to the record.

President Fanello: Second and so ordered.

<b>Consent Items</b>
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President Fanello: Consent.

Commissioner Mourdock: Consent Items, I do have one question of sorts. We have two in the Consent file tonight that came back on FMLA, Family Medical Leave Act. It seems like we've been getting an awful lot of those.

President Fanello: I know.

Commissioner Mourdock: Could we do some, maybe, work with Sandie Deig or something. I would like to get some summary of how many of those there are, and make sure that that is being properly used. Obviously, it is the law, we have to follow it, but—

President Fanello: Uh-huh.

Commissioner Mourdock: – we seem to be getting a flood of those, and it's, I think, something we better keep track of, or it will overwhelm us.

President Fanello: I think that's a good idea.

Commissioner Mourdock: Okay.

Commissioner Mourdock: Were there any other additions?

President Fanello: Did you want Tammy to get, were you looking at Tammy, did you want her to retrieve that information?

Commissioner Mourdock: Yes, Tammy, if you would work with Sandie Deig to see if you can get some totals for us, and maybe get some summaries of each one, so that we have the details. As this is coming through, the concern I have, and it's probably okay, but when we have to approve it, and all we see is, which one, here we go, requesting FMLA without pay, with insurance, without any more details, I mean, I would like to know if it's for this person, or if it's for a relative, or, you know, as much as we can learn under the auspices of the law, which I'm sure there are some requirements there too, for privacy. See what we can find out. Okay, were there any other additions to the file?

President Fanello: I don't think so.

Commissioner Mourdock: Okay, then I'll move approval of Consents.

President Fanello: Second and so ordered. I don't have anything else.

Commissioner Mourdock: Nothing else. Motion to adjourn.

President Fanello: Adjourned.

The meeting was adjourned at 6:27 p.m.

**CONSENT ITEMS:**

**Employment Changes:**

County Clerk	Circuit Court	Superior Court
Health Department	Burdette Park	Sheriff Department
Pigeon Assessor		

**Travel Requests:**

Health Department	County Assessor	County Clerk
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**Auditor:**

Submit Accounts Payable Vouchers.  
Submit Financial, Cash and Expenditure Report.

**Sheriff:**

Weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	Richard E. Mourdock	Suzanne Crouch
Kevin Winternheimer	Tammy McKinney	Madelyn Grayson
Clifford Thomas	Rebecca Dixon	Walt Kelly
John Stoll	Ralph Kissinger	Steve Craig
Norma Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
July 15, 2002**

The Vanderburgh County Board of Commissioners met in session this 15<sup>th</sup> day of July, 2002 at 5:44 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioners meeting, July 15, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock, County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of July 15, 2002 Executive Session Summary Minutes**

President Fanello: First item is approval of the Executive Session from this evening.

Commissioner Mourdock: I'll move approval of summary minutes from tonight's Executive Session. It began at 4:30, and ended at 5:35. Included the three Commissioners, the County Auditor, Mr. Winternheimer, and Jay Ziemer, and John Stoll. The discussions were about the pending litigation, and also regarding negotiating strategies, and a personnel matter.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of July 8, 2002 Commission Minutes**

President Fanello: Next item, approval of July 8<sup>th</sup> minutes.

Commissioner Mourdock: I'll move approval of the minutes of July 8<sup>th</sup>.

Commissioner Mosby: I was absent.

Commissioner Mourdock: Yeah.

President Fanello: Oh, sorry. Second and so ordered.

**Award APA013-2002: Tires and Tubes &  
APA033-2002: Trash Hauling**

President Fanello: First item is, excuse me, Phil Lawrence.

Phil Lawrence: Good evening, Commissioners, thank you. I would like to ask permission to award two bids today. One is APA013-2002, Tires and Tubes. The bid tabulation is on the front. For the passenger...a couple of years ago we had some, some interesting problems with the tires and tubes, so we put them in different and various categories to make it a little easier for everyone to be able to bid. I would like to award the following; the passenger and light truck and miscellaneous to Reis Tire for \$74,893.78. Police and medium truck tires and trenchers to Raben Tire for \$116,729.08. The bus tires to Southern Indiana Tire Company, \$42,925.

Commissioner Mourdock: Phil, just a question here.

Phil Lawrence: Yeah.

Commissioner Mourdock: Are those hard bid numbers? Or are those, basically, if we buy the certain tires that they spec'd , and in the quantity that we spec'd, then that's what the numbers would be?

Phil Lawrence: That's how the numbers would be.

Commissioner Mourdock: Okay. So, it was just, basically, price quotes, and based on those three categories.

Phil Lawrence: And it's based on what our average-

Commissioner Mourdock: Right.

Phil Lawrence: -purchase is.

Commissioner Mourdock: Right.

Phil Lawrence: That would be it. These are the low bidders.

Commissioner Mourdock: Okay. I'll move approval of the three tire bids as recommended.

Commissioner Mosby: Second.

President Fanello: Can I have a roll call vote please? Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote no.

Phil Lawrence: APA033-2002, Trash Hauling. Award to BFI. We had two bidders, Onyx bid, and so did BFI, and BFI was significantly lower.

Commissioner Mourdock: I'll move approval of the BFI award.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Phil, before you go, I got a call the other day from Alpha Laser, and I'll pass the card on to you, if you like. It's got my phone number on it. Could you give me a call tomorrow?

Phil Lawrence: Sure.

Commissioner Mourdock: (Inaudible) talk about it here.

Phil Lawrence: Sure.

**Open Bids for VC02-07-01: Concrete Repair of Various Roads**

President Fanello: Next item is open bids for VC02-07-01, Concrete Repair of Various Roads.

Kevin Winternheimer: Are there any bids in the audience on this? Seeing none. I have a number of bids.

Commissioner Mourdock: Okay, and seeing no one coming forward, I will move the opening of the bids for—

Commissioner Mosby: Second.

Kevin Winternheimer: The first bid is from Concrete Pavers, Inc., and their total bid, oh, you wrote this down (Inaudible), okay. Trying to figure out which project. Okay, John, help me. How do I identify what road? It looks like you've broken down the road project.

John Stoll: (Inaudible. Not at mike.)

Kevin Winternheimer: Okay. Ah, okay, thanks. The total contract bid...are you going to award this road by road?

John Stoll: Total.

Kevin Winternheimer: Total? The total contract bid is \$47,662.09. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total contract bid price, \$92,505.42. The next bid is from TD&O LLC of Evansville. Their total bid price, let me make sure, is \$75,909.70. The last bidder is J.H. Rudolph and Company, Inc. of Evansville. Their total bid price, \$97,000. That's all the bids I have.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**ONB Insurance**

President Fanello: The next item is Dennis Woehler. Is Dennis here?

Commissioner Mosby: I don't see him.

President Fanello: I don't see him either. Okay, we'll go ahead and move on to Judge Knight, Court Technology Lease Agreement.

<b>Court Technology Lease Agreement</b>
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President Fanello: I believe it's—

Marsha Abell: I'm not Judge Knight. I'm Marsha Abell, the County Clerk.

President Fanello: I was going to say you looked a lot different.

Marsha Abell: And you know Tim. I think we have the contract ready.

President Fanello: Okay.

Marsha Abell: This is the contract on the courts technology that we plan to lease on a three year period. I'll let Tim address more of this, because he's looked at the contract more, but I think the basic contract came back, as approved by Mr. Winternheimer, but there are some additional forms that they sent. Things like the signature of the one's empowered to lease as acknowledged by, well, they said clerk for the county, I presume that would be the County Auditor. We have all those to present to you tonight. We'll answer any questions.

President Fanello: The only question I had, and I think you answered it before was, I know in the meeting when we had the meeting with the other Councilmen, that we were looking at how much it would be to do a lease versus just an up front buy, and I believe it's the same price. Is that correct? And there is no interest rate, right?

Tim Van Cleave: Correct.

President Fanello: Okay.

Commissioner Mourdock: I think that's indicated on that last page. Did I hear you say that Kevin has looked this over?

Kevin Winternheimer: Yes. I didn't have any problem. I would caution you, as I did in a meeting I had with some of the County Council people, that do not look to not appropriate money for this for the next two years. Marsha needs her computers. The Judges need their computers, so everybody get used to the fact that you're going to spend that amount of money every year. Or each lease year. So, if anything is ever to be cut from the budget, don't look at this contract, because the bottom line is they need the computers.

Marsha Abell: Absolutely. This is by far the best arrangement that we could come up with to get computers for the entire court system at one time, which is what we have to have to run the system, the software.

President Fanello: Anybody?

Commissioner Mosby: I don't have a problem.

Commissioner Mourdock: Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

Marsha Abell: Thank you.

Commissioner Mosby: You're welcome.

President Fanello: Marsha is...we don't need to move on to the next item. She's requested to be taken off the next item.

<b>Mt. Pleasant Road Project Discussion</b>
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President Fanello: We'll move on to Rose Zigenfus, Mt. Pleasant. I think what we need to go, well, you can go ahead and come on up, Rose. I think before, what, about two weeks ago, did you, Commissioner Mosby, you were going to have a meeting with Mr. Gourley and John Stoll, and Mr. Sterchi.

Commissioner Mosby: Yes, I did have a meeting. It was right before I left on vacation, so I've got to think about this. Myself and the County Engineer, John Stoll, Mr. Gourley, Mr. Sterchi, and I forgot your name.

Unidentified: Tom.

Commissioner Mosby: He was at, we were all out on-site, and we did look at the project, and I think the County Engineer, at that time, John Stoll, showed Mr. Gourley somewhat of a scaled back version of what he had. John could explain that a lot better than I did, where we don't take near the amount of right-of-way, at the intersection that we were going to acquire. I believe the meeting also might have cleared up some questions that were brought about by some of the neighbors in that area that Mr. Gourley had referred to. I believe the woman's house across the street, that she thought maybe we were buying her house, and we're not taking up near that much property. I think it also distinguished between what was called temporary right-of-way for construction, and then what the right-of-way was going to be that we were actually acquiring that would be given back to the neighbors after the construction was done. All this was brought out, and then we walked the area with Mr. Gourley and his neighbor, and Mr. Sterchi for a little bit, then he had to leave. John.

John Stoll: Basically, the drawing that we were looking at with Mr. Gourley was the revised right-of-way limits that was shown in the memo that I sent you a few weeks ago. It just showed the reduction the temporary right-of-way needed if we built a retaining wall out there along all the frontages, as opposed to laying the slope back. So, that's basically the drawing we were going over. In conjunction with that, Mr. Hare had some questions about whether or not we could change some slopes to avoid a fence area, the fence around his pool, and things of that nature. So, basically, what Commissioner Mosby said was the gist of what we talked about.

President Fanello: So, do you have a proposed change? Or what are we going to...are we proposing we stick with the original project? Or do we have some variation of that project that we could?

John Stoll: In the overall scope of the project, I guess, my recommendation is still to keep the design with the three lane section as is. If it goes in that direction, there are some changes we can make to Mr. Hare's property to lessen the impacts and avoid his, the fence around his pool. Basically, we would have to go to a two to one slope, instead of a three to one slope, but it does look like we could miss that fence. Also on Mr. Gourley's property, I asked Morley's office to take a look at the tree at the very southwest corner of that property, and it looks like we can avoid that entirely. Not get in the root system, and potentially kill that tree, basically, by rerouting a pipe in a different direction. That's, basically, the only changes that have come about since the meeting that we held, that was held out there on the property.

Commissioner Mourdock: Do you have the sketch of what those plans would be, John?

John Stoll: I've got some cross sections that Morley prepared for Mr. Hare's property. They did not put together anything for the Gourley property. It was a fairly simple change.

Commissioner Mourdock: Okay, which way is which here?

John Stoll: North is this way.

Commissioner Mourdock: Okay. Got 'ya.

John Stoll: This is the tree we're talking about. Basically, instead of running the pipe due east and into this inlet, we could...instead of running this pipe straight to the east and into this curb inlet on the north side of the road, we can go across the road, and, basically stay out of the roots of that. So, that was the only other change that we looked at on the Gourley property. On the Hare property, you can see where the temporary construction limits go out into the fence area right here. By steepening up the slopes, Morley's office has put together some cross sections that show a two to one slope will miss that fence. We still get in this row of trees, but we can't avoid taking a tree that Mr. Hare did not want taken within the fence, as well as avoid relocation of the fence.

Commissioner Mourdock: But even if you change that slope, you still need this temporary easement too?

John Stoll: No. No, that would back up as well.

Commissioner Mourdock: Okay. You were talking about the trees, which one of the trees is the big, big, big tree? Is it this one?

John Stoll: It's not really shown that well. It's not that one, because the big one at the corner is partially in the right-of-way. Morley said they had done another survey, and they said it was entirely in the right-of-way, but I have not seen that survey. It's more in this vicinity over here.

President Fanello: I guess, if, are you finished with the question?

John Stoll: I was going to say, here's the cross sections. I haven't shown these to Mr. Hare, as of yet, but this, basically, shows where the fence is, you can see this three to one slope runs out and goes through the fence. If we take it to a two to one, it comes down and matches the existing ground outside the fence.

President Fanello: Well, we asked Rose to be here tonight in case the residents had any questions. Are there any questions that anyone has that they would like to get addressed, at this time?

Unidentified: Is this the road project?

President Fanello: Yes, for Mt. Pleasant Road.

Unidentified: For the project itself?

President Fanello: Yes.

Larry Kremer: My name is Larry Kremer. I've been before you on several occasions on this road project. I want to, first of all, I think, clear, I read some of the minutes of the last couple of weeks to make certain that we all understand that, I think, everyone, at least that I've talked to regarding Mt. Pleasant, certainly, is in favor of improving Mt. Pleasant. It needs to be widened. It needs to be repaved. I think the question at hand, and the question that we've raised to you before, is this whole project is based off of a 2025 computer modeling program that gives a certain traffic demographics that led the decision to put in this extensive reconfiguration of the intersection of Old State and Mt. Pleasant, widening it to three lanes, which, frankly, everybody that I've talked to certainly doesn't see the need for that extensive an upgrade to Mt. Pleasant. Widen it, put curbs or gutter, or whatever needs to be done, make it passable, spend money that needs to be spent. This project, I understand, is \$2 million. I'm hard pressed to believe that there isn't an alternative method that could save the taxpayers a lot of money, put that money where other projects are required in this county, and not on Mt. Pleasant. Because, from all we've seen, it just doesn't appear as though that kind of extensive rework and dislocation of property is required. So, that's the position that I've taken personally. I want to make sure that it's clearly stated that, again, from myself personally or anyone I've talked to, supportive of improving Mt. Pleasant. It needs to be done. Everything around Mt. Pleasant is a two lane road. It starts with a two lane road, and it ends with a two lane road. My suggestion, my recommendation of that, I think of the fellow neighbors is, improve it, widen it, make it passable, relieve some of the difficulties of the road itself, but leave it with a conventional two lane road, and the intersection at Mt. Pleasant and Old State as it is today. Thank you.

President Fanello: Are there any...is there anyone else who would like?

Tom Hare: I'm Tom Hare, and I live on the southwest corner of Old State and Mt. Pleasant at 8650 Old State. I studied the traffic corner, at the corner of Old State and Mt. Pleasant closely the last three months. I do not think the project requires as much enlargement of the intersection, especially the west side of Old State. Mt. Pleasant west of Old State carries only 1/3 of the traffic as Mt. Pleasant east of Old State. I do not think a turn lane at the intersections are necessary. I don't believe a center turn lane on Mt. Pleasant is necessary. Remember the largest subdivision is going to be on the north side of Mt. Pleasant. Most of the traffic, as is shown on the study, runs east in the morning, and west in the evening, which would negate a lot of left hand turns. Center turn lanes are not normal in residential areas. Mostly used in commercial property and retail sales. Nowhere on Old State Road is there a left turn lane. Old State will carry, it always will carry two to three times as much traffic as Mt. Pleasant. My experience is there is no great delays on Old State from backed up cars. I was driving down Old State at ten after five from Mt. Pleasant to Campground, there was not one car in front of me, and only four cars going north.

I can see that getting out of the subdivision might be difficult, but the only thing that you can do is to put up three way stops at every subdivision, which is not practical. Left hand turn lanes do not in anyway help you get out of a subdivision. If you improve Mt. Pleasant Road and Old State too much, you will increase a lot of outside traffic, as a short cut, and then you will have a real hard time getting out of any subdivision. I have a business on First Avenue, and that is real traffic. I was on the Lloyd Expressway on the west side, and that is real traffic, but Old State and Mt. Pleasant are not. Yes, Mt. Pleasant east of Old State needs improvement. Mt. Pleasant west of Old State was upgraded several years ago and does not need improvement. As for accidents, most cars that run the stop sign are from the north. Painting stop ahead on the pavement several hundred feet ahead of the intersection would prevent most of those accidents. Because that is an upgrade, and when the road levels off, you need to see the stop sign, so you don't have enough time to see the stop sign. Make the intersection, in fact, probability of drivers driving faster after the construction of this project would probably increase the number of accidents. That's all I've got to say.

President Fanello: Thank you.

Joyce Worsdorfer: My name is Joyce Worsdorfer. I live at 8500 Old State Road. We live three houses on the southwest corner from that intersection. I feel like it is a residential subdivision, or area. We lived in that, our home 19 years, and soon it's almost 20 years. I would like to see it stay residential. I have a son who is 13, and I do not let him ride his bike on Old State Road, because it's already too busy. My concern is if traffic is easier and quicker to flow through that intersection, backing out in the morning, my son being safe, is very important to me. I feel like traffic, which now has a hard time staying with 40 miles per hour. I'm, you know, the Sheriff's do try to patrol that area, but with expediency, and people being able to go through there faster, that's just going to increase the temptation to go a little bit faster. Also, behind Tom Hare's home, and the home between ours, we do have a right-of-way that goes to Mt. Pleasant, and we just wanted to make you aware that we haven't received any information about them going on our right-of-way. So, I just wanted to bring that to your attention also. Okay? Thank you.

President Fanello: Thank you. Is there anyone else who has any comments? Mr. Sterchi.

Brad Sterchi: I'm Brad Sterchi. I'm the developer of Clear Creek Village, and also I live there. I'm glad to hear that everybody's in agreement that we do need the road. As far as the amount of road we need, you know, I hope we can leave that up to the professionals. One thing that I wanted to point out that I heard that possibly in the near future Old State Road may be cut off at Highway 41, which would greatly increase the traffic. If that happens, I hope we're prepared for it. I had a lot of people going to come here tonight, and after I heard that everybody was pretty much for the road, I told them I didn't see a need for them to come. There is a lot of interest in this road project going forward, and I hope that very soon we can get on with it. As far as if any changes need to be made, I think that everybody I've seen has been pretty apt to accommodate everybody. Thank you.

President Fanello: Thank you, Mr. Sterchi. Is there anyone else?

Don Windmiller: I'm Don Windmiller. I live in Clear Creek Village. I spoke to you last meeting, but in the meantime I did a little investigation in finding out what was going on with the road. I've come to the conclusion that the engineers have made a big

mistake up there at that junction of Mt. Pleasant and Old State. If they had put that down on the other end where it joins with 41, then I could see that. You still are going to be dealing with the same two lane roads up there, whether you go one direction or the other, and to make it anything bigger or like you're going to join a junction to a major highway, doesn't seem to be necessary there. I certainly would like to see it improved, and that narrow bridge down there is a project that you might want to think about. If you meet a semi or a garbage truck at that juncture, you're going to slow down and let them get through, one way (Inaudible). It's not a safe bridge. So, I think the money could be spent a lot better along the road, rather than up there at that junction. Thank you.

President Fanello: Thank you.

Commissioner Mourdock: Mr. Windmiller? Mr. Windmiller? I have a question for you. I just want to be sure. It sounds like you are saying something entirely different than what you said last month?

Don Windmiller: Yes.

Commissioner Mourdock: So, you changed your mind.

Don Windmiller: Because I didn't know what was going on up there. I thought they were just going to go up there and leave it the same four way stop it is now. I've gone through that four way stop many times, and it doesn't take as long to go through that as it does one of these stop lights. If you go down to Morgan or Greenriver Road and see how long you sit there.

Commissioner Mourdock: Okay.

Don Windmiller: Thank you.

Commissioner Mourdock: Just wanted to be sure I understood.

Harold Gourley: President Fanello, Commissioners Mourdock and Mosby, I'm Harold Gourley, and I reside at 8700 Old State Road. Been a happy resident there with many fine neighbors for over 40 years. We sure like that neighborhood. I would like to endorse or echo what Mr. Kremer, Mr. Hare, and Mrs. Worsdorfer said, we would wholeheartedly like to see Mt. Pleasant improved and widened. In fact, even before Clear Creek there were some of us that made contact with County Highway and some other agencies about the improvement of Old State Road. So, it's not a new issue on the north side about Mt. Pleasant Road needing improvement, and needing some widening to it. I think the issue that we entertain here this afternoon is, what is reasonable, and what is excessive? I think that is what we would like to address here today. Now, what is reasonable? Just what I mentioned, and what the ladies and gentlemen who have mentioned before me. Now what is excessive, as I perceive it, and in talking with many people involved, would be three lanes, which we've indicated before. Which would dovetail into two lanes, toward the bridge, and then into Highway 41. Of course, I understand by Mr. Stoll's and some other people's statements, that's not the problem of the county, or it's INDOT, that the state would take care of it. Of course, then on the west side, same way, three lanes would go into Old State Road, and then it would dovetail back into two with four unnecessary turn lanes. Now, those are the things that we consider excessive. As I think about this, with all this so called additional traffic, is this going to be another Greenriver Road, another Fulton Avenue, another, you know, speed zone, another

bypass for commercial traffic, bypassing 41 to get to our north side and our west side? With that being the case, is this going to be a commercial road? Or is it going to be a county road? Now, if it's a county road, in many states, and many cities you have speed bumps. Will there be speed bumps on this third lane, if that's the way you design it? These are some of the questions that are confronting us now as we still seek ways of how we can come up with a statistics, the logistics, the rationale for the project that has been designed. So, if I may, would like to say that ,granted, we do not have the resources, we don't have the personnel, we don't have the numbers, we don't have the study committees, we don't have the consulting firms, we don't have the design engineers, we don't have EUTS, we don't have INDOT, etcetera. What we do have is a real sincere concern for, and strong feeling toward the proposed changes affecting our properties and our neighborhood. Now, if I may, I would just like to submit a few examples of what we're relating to. Of course, I think, Mrs. Worsdorfer, you hit it when you said you still haven't been notified of where your right-of way, and how that's going to affect you, and this gentleman here didn't really, said he didn't understand what the project was going. Well, I didn't either, until I returned from vacation in the latter part of March and found my yard inundated with stakes. The way I still understand this, John, or Mr. Stoll, is that the only changes on my property is the temporary, and the trees and the temporary, but where the permanent markers are, the trees will still be effectively removed where the permanent—

John Stoll: Correct.

Harold Gourley: —so really, there has really not been any change in the removal of up to 11 trees that's been, some of them have been there for 150 years. Anyway we'll get into that later on, but I would just like to share this with you, and this is dated August 19, 1999. Reference, Mt. Pleasant Road Improvement Project/Old State Road to US 41 North. It doesn't say anything about three lanes. It doesn't say anything about four turn lanes, those kinds of things. It mentions that Morley and Associates has been hired, but at this point, this is the paragraph I would like to share with you and the people who might be interested. At this stage we do not know what effect, if any, the project may eventually have on your property. If we determine later that your property is involved, we will contact you with additional information. We appreciate your cooperation, and if you have any questions call Jim Morley and Associates. Well, why would we call him when we thought the road was going to be improved and stopped at Old State Road? So, I thought that was interesting. Now, we might get back to what I was talking about this dovetailing into 41 before someone questions that, I think, at one of the meetings someone pointed out that the county was not responsible for what happened at Highway 41. Is that correct, Mr. Stoll? That that's INDOT's responsibility?

John Stoll: Right. INDOT has a project on the books where they are evaluating what to do up at that intersection.

Harold Gourley: I would just like to say that I had a conference with the project development engineer with INDOT last week. We had a very nice conversation. I pointed out where I lived. What our concerns was. He says, I am familiar with that intersection. This is just as of Tuesday of last week. We have seven intersections on Highway 41 that need to be improved. We plan on doing them all at the same time, which would mean adding a lane on each side, which would be six lanes, and then he gets on the computer and pulls up all the project signs. He says our design, this project has not even been assigned to a design engineer yet. I said, when this road, if it is completed for three lanes down to this point, what are we talking about?

Probably 2006, 2007 at the earliest. Then I says what, well, we'll probably tie in, and this is where Mr. Stoll's conversation, we'll probably tie in where the county leaves off. We'll probably raise the grade level a foot or two feet or something to help with the road situation. But what I'm saying is we're having to stop and go situation on Mt. Pleasant Road without any extension west or extension east. So, I just want to consider that. Also, pulling from the minutes of the Area Plan Commission, of which you were not a member at the time, it talks about Mr. Sterchi and his Clear Creek Village, plans for 363 single family homes on 129 acre agricultural zoned place. Quote, and I have the minutes here if anybody would like to check the minutes. "It should make us very careful that we make sure that all the impacts on adjacent properties are mitigated." Has that been done? "Two of the proposed new streets provide access for the development onto Mt. Pleasant Road, and one new street provides access onto Old State Road." Now we all know that that didn't happen. Why didn't it happen? Because some government agency gave permission for someone to do something when they didn't have the right to do that. Now I have people more knowledgeable in the crowd that can answer questions about that access being denied, and probably can answer questions better than I, so if you have any questions, why please feel free, and, hopefully, the people who are familiar with that would be able to answer that. Another quote, and this was directed to Mr. Morley, "You mentioned that the (Inaudible) Lane plan met EUTS access standards manual. I was under the impression that we really didn't have enough room with existing ground that we own out on Mt. Pleasant. Is 150' what you own at that major intersection? Does that really comply with the access standards manual?" Mr. Morley's reply, "It comes very close to that." How many almosts, maybes, not quite, if factors are involved in the implementation of all this? Now here six years later we, the property owners with frontage on Mt. Pleasant and Old State are paying the penalty. I ask you is that what we really want to be doing? So, in conclusion, I was in discussion with another project road, I was in discussion...several weeks ago I was listening to a talk show host on his program, and he was on the program was another person who was involved in another road project in this area. This was the comments that I heard while watching the t.v. in my room. Ignore the environmental wackos, and get on with the project. Now, if this was meant to embarrass, belittle, and demean those citizens who are willing, and, yes, obligated to defend the character, historic significance, and integrity of their respective neighborhoods, so be it. So, ladies and gentleman, I hope that this is not just a routine decision you are going to make, because yesterday, Sunday afternoon, I was sitting on my porch, thinking about this meeting today, and could recall as a 17 year old I enlisted in the US Navy for what I thought was right. I thought it was right then, it's right now. If I had to do it over again, I would do it, but then here almost 60 years later, as a senior citizen, all I can do is sit on my porch and watch the bulldozers and tractors take away those rights. Thank you.

President Fanello: Thank you, Mr. Gourley.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: I guess, at this point, do any of the Commissioners have any other questions? Or is there anyone else in the audience who would like to speak?

Commissioner Mourdock: I have a question for John Stoll. John, Mr. Gourley just mentioned it, would you refresh my memory? I remember when Clear Creek was first put in, there was the road that was going to go on to Old State, and then it didn't. Was that a sight, line of sight issue? What was—

John Stoll: The reason the left turn lane was requested was because the street would come out right in a curve. The only way I thought that was a good idea, to come out on that curve, was if they provided a left turn lane, because there was an accident history with people coming down Old State too fast, coming through the curve and having crashes.

Commissioner Mourdock: And they didn't have the property, it was somebody else's property?

John Stoll: Right. Whenever the subdivision was approved, no right-of-way research had been completed, and after the right-of-way research was completed, it was found out that there was not sufficient right-of-way to actually build the left turn lane on Old State into Clear Creek, like what was required when it originally went to Plan Commission. Mr. Sterchi could attest to this, I was one of the people who was adamantly against putting in that access point, unless the left turn lane could be provided. There was no right-of-way, so it could not be provided. The county does not go out and condemn right-of-way for developer projects.

Commissioner Mourdock: Right.

John Stoll: So, I was one of the people saying if you can't build the left turn lane, then the access has got to go.

Commissioner Mourdock: Okay.

John Stoll: On the subject of left turn lanes too, at the Old State intersection with Mt. Pleasant we're only putting in east and west left turn lanes. There are no left turn lanes on the north and south approaches to that intersection. Originally it was designed that way, but that was eliminated through a supplemental agreement with Morley's office, it's probably been two years ago. There would be some radius improvements, but there is no left turn lanes.

President Fanello: When did this project start? When was the budgeting put in place for this project?

John Stoll: I believe it was in—

Commissioner Mourdock: 1999.

John Stoll: —'98 when those contracts were signed. Also on the Mt. Pleasant and 41 intersection, at one time the county had offered to do the design for that intersection in conjunction with our project, and INDOT declined to accept that offer. So, it was proposed to try and address them both at the same time, but that was not, nobody took us up on that one.

President Fanello: Imagine that.

Commissioner Mourdock: Yeah. I think there is someone else who wants to speak.

Dave Whitmer: My name is Dave Whitmer, and I live on Mt. Pleasant Road down between the two exits that come out of the Clear Creek subdivisions. So, I live kind of halfway between 41 and Old State. I have a question which I don't know exactly who to address it to, but I just heard Mr. Stoll make a comment that the reason there was no entrance made on Old State to that Clear Creek Subdivision was that there was no right-of-way available, and that for some reason that right-of-way could not be acquired. Well, my question is, very frankly, there is no right-of-way available for a three lane highway down Mt. Pleasant either. Your going to be taking some property from some residents who do not want to give up that property. Explain to me, if you will, the difference. I beg your pardon, I don't understand.

President Fanello: John, do you want to explain that.

John Stoll: Kevin might have some input on this too, but, I guess, my understanding is the county doesn't have the funds to condemn right-of-way for every developer who has an a need for any additional right-of-way. I don't have the staff either, for that matter.

President Fanello: So, the Clear Creek project, obviously, being a development project—

John Stoll: Right.

President Fanello: —by a private developer. This being our project, so.

John Stoll: Right, that was recommended through the EUTS plan. Where Clear Creek, their single access point didn't have any recommendations, as part of the long term transportation plan, where this one does. But, I've not specifically talked to Kevin about this issue, but prior County Attorneys have said, basically, no way are they going to get into the practice of condemning right-of-way for developers. For the most part, it was my understanding, it was staffing and funding reasons, primarily.

President Fanello: Okay, does that answer your question?

John Stoll: It wasn't that there wasn't any right-of-way on Old State, it was just insufficient to do what Morley and Associates had drawn up for the left turn lane.

Dave Whitmer: So, if I understand this correctly, the three lane highway that you are proposing to put down Mt. Pleasant has nothing to do with Clear Creek Subdivision that is in that neighborhood? Is that correct?

Commissioner Mourdock: Are you an attorney, Mr. Whitmer? That's a very good question.

President Fanello: Yeah, that is a good question. But, because of the subdivision, I guess, it would necessitate making traffic improvements. So, I mean, it's a circle.

Dave Whitmer: Forgive me, but is that not what making an exit on to Old State would have done, if we had of...back in the very beginning before this subdivision was approved, I sat into meetings where we were told that if we have deceleration lanes for these subdivisions, that everything is going to be fine. Well, we have deceleration lanes for two of the subdivisions that are there now on Mt. Pleasant. One of those being Clear Creek Subdivision. There is an exit that is being

constructed right now farther up on Mt. Pleasant , which I assume was originally designed to have a deceleration lane, making the road three lanes wide at that area. Now somehow we've gone from a subdivision that was supposed to have three entrances, to two entrances, and now it sounds like that we want to accommodate this subdivision by making a whole mile of three lane highway.

President Fanello: I wasn't here when the project was originally approved. Maybe Commissioner Mourdock could help us understand how the project....I mean, did the project pass with all three Commissioners?

Commissioner Mourdock: I don't recall. I think it did, but as I said a meeting a month ago, or six weeks ago, whenever much of this group was here, when this was first being talked about, and what I envisioned it to be, was to be a simple widening, not three lane, but a simple widening—

Dave Whitmer: Very simple as being additional pavement to what exists now.

Commissioner Mourdock: That's what I perceived it to be.

Dave Whitmer: Yes.

Commissioner Mourdock: With the understanding that—

Dave Whitmer: That's what we all want.

Commissioner Mourdock: Yeah, I know.

Dave Whitmer: I'm sorry.

Commissioner Mourdock: I knew the turn lanes would be present down on the Clear Creek Subdivision that Mr. Sterchi was building, or I think it was in progress at that time, but that's what I envisioned this to be. I still, my mind is somewhat boggled at it is much more than what I thought it would be at the outset. The question that goes in my mind is if we do all this widening, and I think it was Mr. Gourley, or Mr. Kremer that made the point, you know, you take it all and you still funnel it down into two lanes. Did anyone expect that a year from now someone is going to come in and say, well, let's now take Mt. Pleasant west of Old State and go ahead and widen it to three lanes through the "s" curve and go all the way to Darmstadt Road. I don't think that is going to happen. At any rate, my history is what I just told you.

President Fanello: I would probably like to ask Rose if you can give us, going from what Commissioner Mourdock has said to the project, and what he thought it was, to what the project is now, why it is the way it is now?

Harold Gourley: Excuse me, may I make a comment? It relates to the third lane. I had this as part of my presentation, but I thought my time had run out, but it does answer the question that Mr. Whitmer asks. This is from a question, this is from the June 5, 1996 meeting, when it was approved by the Area Plan, and allowing them to go ahead with the project. This is from a person who lives in Copperfield. This is the question and the responses. "I have several questions about things that I want to get straight in my mind. I understand that Mt. Pleasant has been petitioned to have a third lane put in. Will that be on the north side, or will they be taking land from the south side?" Response from the commission, one of the members, "I am not aware of it even being petitioned for that." Meaning three lanes. This same

person asked the question, another question, "Basically, Highway 41 all the way west, is that correct?" Area Plan Commission, "I don't think there is a plan in place yet that would put in a third lane. Part of the problem the county is going to run into is that there is no sufficient right-of-way on Mt. Pleasant Road to even construct additional lanes, at this point. I think there are ways the county can do that. I don't think there have been any formal efforts made at this point to achieve it." Same person from Copperfield, "Will there be an announcement made on the road widening?" Commission response, "I would think there would be." So, that's, I think, why you see we're so concerned.

President Fanello: Uh-huh.

Harold Gourley: We were left out of input, and we were left out of details that a lot of whatever it took to get it to this point. Thank you.

President Fanello: Thank you. Rose.

Rose Zigenfus: I'm Rose Zigenfus. The project was initiated through the development of our transportation plan. It was identified in our 2015 plan, originally. It is planned to go all the way to Darmstadt Road with an improvement. Now, how it got to be three lanes or four lanes, I know there was a lot of discussion back when it was initiated, and I thought that, initially, they were going to go to four lanes. Then they narrowed it down, because of opposition, to three lanes. The computer model, just to address Mr. Kremer's comment on that, is the best tool that we have available. It was just expanded with new data, new census data, new household travel survey data, new trip information, OD, origin destination data. It is the best tool that we have, and it's a conservative model. It's not giving us numbers that are off the wall. I think that when we look at what the projections are for that area, we're going to see traffic continue to increase on 41, on Old State, on Darmstadt Road. Darmstadt is another project that is in our plan that needs to be improved all the way to Darmstadt. As the volumes continue to grow, due to the residential developments in northern Vanderburgh County, the Commissioners are going to have to make some tough decisions. Whether or not you are going to accommodate the traffic or not. That's tough.

President Fanello: Your department tries to plan like 20, 25 years down the road.

Rose Zigenfus: 20 to 25 years. All the information that we've gathered indicate the need for the road project as it's designed.

President Fanello: Okay.

Rose Zigenfus: INDOT has a project to widen 41 to six lanes, and improve the intersections that someone addressed. Lynch Road, Mt. Pleasant, 57, and Petersburg Road. So, I think, when you look at all of the development that's occurred in northern Vanderburgh County, both on the east and west side of 41, you'll understand why there is a need to improve Mt. Pleasant Road. It's unfortunate that trees have to be taken, and retaining walls readjusted, and property taken from homeowners, but if we are going to move the traffic in the area safely, efficiently, then we need to do these things.

President Fanello: Are there any other questions?

Commissioner Mosby: Rose, when you say there was discussion about three and four lanes, with who did you have this discussion?

Rose Zigenfus: The Commissioners. During the time when they were executing the agreement here.

Commissioner Mosby: So, back in '97?

Rose Zigenfus: I thought it was '97, '98.

Commissioner Mosby: Okay, I was just was wondering where this discussion took place.

Commissioner Mourdock: Do you recall it as being an actual discussion, or being part of just the overall Master Plan that, or, what did you say the 2025 plan?

Rose Zigenfus: No, it was part of the discussion, and I'll see if I can go back and find that. As I recall, it's been awhile, but yeah.

Commissioner Mosby: What made them decide to cut it to three lanes instead of four?

Rose Zigenfus: I believe it was the right-of-way. They wanted to minimize—

Commissioner Mosby: Right-of-way issues.

Rose Zigenfus: —the impacts of the right-of-way needs.

Commissioner Mourdock: What we have here, in a sense, is the classic case of if you widen the road, you'll put more traffic on the road, because there will be more development along the road. If you don't widen the road, will the traffic patterns continue to get, quote, worse, unquote? I put that in quotes based on what they are today. Because as the member of the board that probably drives through that intersection more than any other, just because I live out there. Like I say, I still envisioned this as being something other than a three lane widening. As I said the first night this came up, I think there are a lot of ways the county could use it's road money on, certainly, more hazardous and more heavily trafficked roadways out on the west side than what would be here.

President Fanello: Since you brought up funding, I do have a question. Probably John can answer this question. Total amount on this project is what dollar figure?

John Stoll: What's budgeted?

President Fanello: Uh-huh. How much, by the time the project is over, how much will we have estimating—

John Stoll: The total funding, when it was all started, was, I believe, \$2.2 million.

President Fanello: Okay.

John Stoll: Including design and right-of-way.

President Fanello: If the project is scaled back to what Commissioner, I think, Mourdock is suggesting, how much money would we be spending if we scaled the project back? Do you have a rough estimate? Off the top of your head.

Commissioner Mourdock: What do you want the number to be right, John? That's a tough question.

President Fanello: I understand that's a tough question, but there has to be some kind of idea.

John Stoll: Dropping the third lane, even though it doesn't run the whole length, basically, you've probably dropped a third of the costs out, in ball park figures. It would also lessen the right-of-way costs. How much, I don't know. In the vast majority of the parcels out there, going from two lanes to three lanes, we're talking in the neighborhood of 6 ½', in some locations it's as little as that. So, that wouldn't be a significant cost savings, but there would be some.

President Fanello: Commissioner Mourdock? Or Mosby?

Commissioner Mosby: Rose, what kind of traffic counts, I guess, have you got from the past that we can compare to? I mean, do you have traffic counts from like '98, 2000, 2002?

Rose Zigenfus: I do have some numbers.

Commissioner Mosby: I guess, I'm just trying to see how much the traffic has actually increased. I believe in one meeting recently we heard that intersection ranks in the top five, six, seven—

Commissioner Mourdock: I believe it's seventh.

Commissioner Mosby: Number seven in the county of—

Rose Zigenfus: Accidents?

Commissioner Mosby: —dangerous intersections?

Rose Zigenfus: It's number seven for accident rate, yes.

Commissioner Mosby: Okay.

Rose Zigenfus: Yes.

Commissioner Mosby: I knew—

Unidentified: (Inaudible. Not at mike.)

Rose Zigenfus: Well—

Unidentified: Say that out of how many?

Rose Zigenfus: I'm looking at 30 intersections in the county.

Commissioner Mourdock: That rate takes into account how much traffic is on it, correct?

Rose Zigenfus: Yes. Yes, it does.

Unidentified: (Inaudible. Not at mike.)

Commissioner Mosby: Yeah. Okay, I was just, I knew that had been brought up, but, I guess, I'm looking to see how the traffic counts have increased over the last say six years. Or however far back your data goes.

Rose Zigenfus: I don't have the historical data. I've got the projections, but I didn't bring the historical with me. I would guess, I lived in that area for 22 years on Larch Lane. So, I know the area fairly well. I would guess it's gone up considerably since the developments have occurred. Both east of Old State Road, as well as north of Mt. Pleasant Road. There is a lot of traffic that, and there's not much more land on Mt. Pleasant Road, but there is north of the area. When you look at the east-west corridors from 41 west, you've got Petersburg Road, you've got Mt. Pleasant Road, you've got Hillsdale, and you've got Old State, and Boonville-New Harmony. That's not a lot of access to 41 for the number of people that reside in that area. That's why it's important to improve those east-west connectors. I would suggest that...I can get that data for you, David, and have it for you tomorrow.

Commissioner Mosby: What's your future data show?

Rose Zigenfus: Future data shows 2025 with six lanes on 41, we're looking at approximately 8,000 a day on Mt. Pleasant Road, and almost 9,000 on Old State Road. With a heavy demand for left turn at the entire intersection of Old State and Mt. Pleasant. Now, I know John has said that you've eliminated the north-south left turns, and only have the east-west left turns, but the demand for north-south left turn is also pretty heavy. I think you are going to find that there is going to be back up there before 2025.

Unidentified: (Inaudible. Not at mike.)

President Fanello: We need for you to come to the microphone, please.

Dave Whitmer: If in 25 years we're going to have 8,000 on Mt. Pleasant Road, how many do we have today?

President Fanello: Just what I was, I think that's what Commissioner Mosby was asking, but Rose did not have that data with her.

Tom Hare: If you figure 8,000, that's what about 1,500 during a peak hour. You can't run that many people, you can't run that many cars through any stopping, three way stop, four way stop intersection. I mean, 1,500 cars in an hour. Think about how many that is a minute. I can't see how that projection could be anywhere near correct. Unless you are going to make it like four lanes.

Dave Whitmer: Once again, I live at 580 East Mt. Pleasant, which is approximately half way between 41 and Old State. I've lived there for 25 years, okay. I go in and out of my driveway at least once a day, some days, many more times than that. There has not been a substantial increase of traffic on Mt. Pleasant in the last five years. There definitely has not been a great increase in the last three years. Within

the last two years is the time that we have seen new Clear Creek Subdivision come into our neighborhood. The traffic is just not there, plain and simple.

President Fanello: Sure.

Larry Kremer: The computer model that Mrs. Zigenfus sited—

Commissioner Mourdock: State your name.

Larry Kremer: Larry Kremer, Mt. Pleasant. 224 East Mt. Pleasant. It was 2025, she said a 2025 model. I think it sited one or two intersections, at peak hours, that might approach the limit of left turn responsibility. Now, most of Mr. Sterchi's development is almost complete. I would say it's 70% complete. 363 lots. Copperfield is complete, for the most part. Deerfield is complete, for the most part. North-south turn ratios on the study didn't really show that much traffic. We're talking about a six lane 41 expansion. When is that going to happen? They don't even have the, they don't have the intersection on design yet. Now we're talking about putting six lanes in, and we're putting three lanes down Mt. Pleasant to increase the speed of traffic, putting more traffic to an east-west that goes into a two lane road that goes over to Darmstadt, that's another two lane road that goes north and south. I mean, I don't see where that's going to relieve the congestion north and south at all. It's just going to bring more traffic east and west that is quicker traffic, and more dangerous traffic.

Commissioner Mourdock: Mr. Sterchi, when Mr. Kremer said, thought your development was 65%-70% full, I saw you shaking your head. Just to be fair here, I want you to give us an estimate of what it is.

Brad Sterchi: We still have approximately 150 to 160 people, or lots available for homes, for homes under construction without people living in them. You know, also everybody keeps bringing up Clear Creek Village. Brookview, Brookview Heights and those properties to the north are as large as Clear Creek. Clear Creek's not the only subdivision impacting this. Again, I want to say, as far as myself, I don't care if it's a two lane, a three lane, a four lane, I just think we need road improvements out there, and, you know, it doesn't seem to me like anybody wants to give up any right-of-way. I gave up more right-of-way than anybody. I'm concerned about safety. I don't want to be the fatality out there on that road. It is a bad road. I don't want anybody that I care about to be a fatality. You know, we've got experts, it looks like they've done a good job. I mean, if it's needed that we've got to scale it back to two lane, let's do it. If that's going to prevent safety hazards, I hope that we don't do it, but I do hope that we do something.

Commissioner Mourdock: On that, I think—

Brad Sterchi: I think everybody in Clear Creek Village, which seems to be kind of getting picked on for this road project, agrees with me that any type of road improvement we get is better than what we've got. You know, I'm a home builder. That's what I do for a living. Everybody else has something else they do for a living. Everybody else travels it. I try to provide quality, affordable housing to everybody. The fact that that's my line of work, doesn't mean that I'm a criminal or anything. Thank you.

President Fanello: At this time I would like if anybody has any new information that they would like to add? Okay.

Tom Hare: I come up with if you are figuring 8,000 cars going down Old State Road, and if you take that, it's got to be at least 1,500 per hour. That comes to 3 ½ cars a second. At 40 miles an hour, I don't think that's possible.

Commissioner Mourdock: For the record, that was Mr. Hare.

John Stoll: Just a point of clarification on that, in the traffic analysis methods they do assume a peak capacity of 1,800 passenger cars per hour. It is adjusted downward based on grades, or upwards based on grades, and percentage of trucks and things like that. So, based on the analysis procedures, you're looking at 1,800 passenger cars per hour. So, it is possible based on the analysis.

President Fanello: Thank you, John. Does this Commission, how would you like to proceed with this project?

Commissioner Mourdock: I'll do something here. I don't know that it will go very far. I do believe that everyone of us in the room agrees with what Mr. Sterchi said. Mr. Sterchi, I hope you did not take any comments from anyone of the board members, or most importantly, me, to see you as being a bad guy in this at all. I think, Clear Creek you've done a good job with, and I understand the situation with the access point out off of Old State was not your doing, not your making. I agree with what you said, and I think everyone else agrees, in this room, that there are improvements that are very much needed out there. I think that is where our common agreement ends, probably. I still believe that the most important improvement, and most reasonable improvement, given what the potential of that neighborhood is, and by that neighborhood, I mean more than just Clear Creek or the immediate properties to Old State and Mt. Pleasant, but that whole area. I think, it's a reasonable improvement to widen Mt. Pleasant from Old State east to 41. I do not believe that it needs to be three lane that entire distance. I do not believe that the takings, as outlined on this sheet that we have, at the intersection are necessarily pertinent. So, for my part, I'll make a motion that we redirect, or direct the County Attorney to work with Morley to see if we can come up with a better plan to widen Mt. Pleasant from Old State east to 41.

President Fanello: Did you mean the County Engineer?

Commissioner Mourdock: What did I say?

President Fanello: County Attorney.

Commissioner Mourdock: A man of many talents.

President Fanello: He didn't know that was in his job description, did he?

Commissioner Mourdock: Yes, I did mean the County Engineer, instead of the County Attorney. Although, if you've got a pen, and a scale.

Commissioner Mosby: So, let me get this right. You're saying to eliminate the intersection and one lane? You just want to go with the two lane road? I mean, is that your motion?

Commissioner Mourdock: I think we need to widen Mt. Pleasant from Old State to US 41 to be a wider, two lane road, but without making all of the intersection, quote, improvements that are shown on the present drawings.

President Fanello: But you want the County Engineer to go back to—

Commissioner Mourdock: To Morley.

President Fanello: —Morley and come up with a, I guess, a scaled back project.

Commissioner Mourdock: Yeah, and, I think that would help answer your question earlier, Catherine, of what would the cost difference really be between the, what did you say, John? \$2.2 million?

President Fanello: 2.2, yeah, I think.

Commissioner Mourdock: \$2.2 million?

John Stoll: That's what's in the budget now.

Commissioner Mourdock: Right, and what otherwise we might do to meet the needs that, I think, we all agree need to be made.

Commissioner Mosby: I'm going to go ahead and give my opinion. You can't always be a hero. So, I would look at the project, I would go with deleting the intersection, at this point, and looking at putting the intersection in the next phase of the widening project. If that becomes reality, and we do go to Darmstadt. I would not go for a two lane road. I believe you're building for the past, rather than the future. At this point in time, if we're going to spend the money, we need to spend the money right. We need to spend it wisely. I think by going down to a two lane road, and saying we will come back in the future and add a third lane at a probably very astronomical expense. If we start looking at sewers and curbs and the whole nine yards. If we're going to do it one time, I would propose that we go ahead and put the sewers in, and put the curbs on it, and put the third lane in, and not come back and redo what we had once set out to do. I see so many times in this city, in this county that we build something for the past. I've heard it so many times. I've heard people say, you know, why can Evansville not be like other towns, and build for the future? You know, why did we do this? Why did we do that? It's people everyday saying it. We're sitting here tonight saying, well, let's just build this, you know, for two lanes, and look at it in the future. We all want to second guess the model. I don't think we can second guess the model. I think we have to use what's available to us, and it's the only tool available to us to tell us what to do. For that reason, you know, I could not support your motion of going down to two lanes. I can support your motion of deleting the intersection, at this point, and moving the intersection to the next phase.

Commissioner Mourdock: So, the only intersection improvements you would make in what you're suggesting would be those on the east side of Old State? I mean, if it's going to be three lanes, it obviously has to be wider—

Commissioner Mosby: Yes, we would just have to improve the intersection there where it comes in on the east side, and not do the full blown intersection project, at this point, until we decide if we were going to take it on over to Darmstadt Road in phase two or three. I would go for just a three lane from—

Commissioner Mourdock: 41—

Commissioner Mosby: —41, yeah, and then just an improvement there on the east side to tie in.

President Fanello: I think the County Engineer has a question.

John Stoll: So, you're saying delete the left turn lanes at Old State right now? And then pick up left turn lanes to all the subdivision entrances? I'm just trying to clarify exactly what the cross section would be.

Commissioner Mosby: Yes, I'm saying three lanes from 41 up to Mt. Pleasant.

John Stoll: You mean up to Old State.

Commissioner Mosby: Old State, yes.

John Stoll: Then not do the west leg of the intersection?

Commissioner Mosby: No. Then do that in the next phase.

John Stoll: We potentially get an alignment problem. I mean, we might, if that option was chosen by the Commissioners, I would think we would probably need to neck it down to two lanes on the east side of the intersection, just so that way there's not an alignment problem, where you've got a two lane leg on the west side, and a three lane leg on the east side. It might cause the through traffic to have an abrupt shift to go through the intersection. So, if that's the case.

Commissioner Mosby: And I could live with that. I could live with that if you had to come back in to two lanes right there at the east side to make the intersection work. Then if we ever did do the second phase, or third phase of this over to Darmstadt, you know, go ahead and do the intersection improvement.

Commissioner Mourdock: Understanding what you're saying, and so we do this procedurally correct, I would rescind my motion, if you're making what you just said as a motion to direct the County Engineer...almost said it again. The County Engineer to work with Morley and those in that direction. If you'll make that a motion.

Commissioner Mosby: I'll make it a motion to have the County Engineer go back and work with Morley to get a price, and, hopefully, not have to do a whole lot of redesigning. I mean, I don't want to spend \$100,000 to redesign this. We once spent this money already. I don't want to spend this kind of money again. If we can go back and look at this project and delete the intersection, where they just bring it into two lanes on the east side, and align it, hopefully, the rest of the project would stay the same, and we're not going through a whole redesign with the project.

Commissioner Mourdock: Yeah, and with that being the motion, realizing until the engineers work on it, we really don't know what we have, but I would second that motion that we ahead in that direction.

Commissioner Mosby: Have John come back with some type of a cost analysis of what we're looking at.

President Fanello: Okay. So, County Engineer will go back and work with Morley and Associates for a, maybe a different type of spin on the project. So ordered.

John Stoll: I was going to say, in just looking at it, I would suspect that we would drop it back to two lanes somewhere, at least, a couple of hundred feet, if not further east of the intersection just to pick up the left turn lane into Big Hill Drive, into Clear

Creek, but then from that point west, that it would drop back to two lanes, it looks like. So, that looks like it would probably delete up to 300' maybe of three lane section, and then get rid of everything on the west leg of the Mt. Pleasant and Old State intersection. I can talk to Morley's office about getting the fees for the redesign for that.

President Fanello: Okay. Is that acceptable to everyone? Okay.

Commissioner Mourdock: Acceptable to me.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

<p style="text-align: center;"><b>Permission to Advertise Notice of Meeting to Establish Cumulative Building Fund</b></p>
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President Fanello: Next item is Kevin Winternheimer, Resolution Establishing a Cumulative Building Fund.

Kevin Winternheimer: Yes, I don't anticipate we'll have a lot of discussion tonight on this, as much as we need to have a public hearing, and advertise for that public hearing. I've prepared that, and given it to Madelyn, and I would like your approval. The hearing would be at 5:30 on the 29<sup>th</sup> of July. It was the first opportunity given the advertising that we need to have for the hearing. Excuse me, that we would have a final reading on that night. I just request preliminary approval to move it along, so we can have the actual public hearing.

President Fanello: Okay.

Commissioner Mourdock: Okay. I'll reserve my right to talk about how we do the funding, but I, certainly, want to keep this moved along. So, I would move that we schedule that hearing for July 29<sup>th</sup>.

Kevin Winternheimer: 29<sup>th</sup>. Two weeks from tonight.

Commissioner Mosby: Second.

President Fanello: So ordered. I think really the funding is probably (Paused while people exited the room.) the Resolution is established and matches the state statute of a county fiscal body may fund this Cumulative Building Fund—

Commissioner Mourdock: Right.

President Fanello: —with not more than .1667 on each \$100. So, I think it's really up to the County Council to decide how much that they want to fund the Old Courthouse Cumulative Building Fund, but I definitely, obviously, have my ideas of how much we should.

Commissioner Mourdock: Yeah, and I'm not even questioning the rate, as much as if there is a way that we can find to make this a revenue neutral thing, as far as, as opposed to a tax increase, is simply what I'm saying.

Kevin Winterheimer: Do we have a motion to advertise?

President Fanello: Yes, we had a motion and a second. So ordered.

Madelyn Grayson: Excuse me. We did have a motion to—

President Fanello: Yes.

Madelyn Grayson: —permission to advertise?

President Fanello: Yes.

Madelyn Grayson: Okay. Thank you.

Commissioner Mosby: I seconded it.

**Public Comment**

President Fanello: Is there anyone else in the audience wishing to address the board at this time?

**Old Business**

President Fanello: Old Business.

Commissioner Mourdock: Only Old Business that I have is the appointment, or the tentative appointment of Mr. Jerry Schmits to the Airport Board.

President Fanello: I have a suggestion for an appointment. That is June Folz to the Airport Authority, and she is a Republican.

Commissioner Mourdock: She is a Republican indeed.

President Fanello: I feel too often women are passed over for boards, and she is my recommendation for the Airport Authority Board.

Commissioner Mourdock: For the record, I have twice offered to appoint women to the board, not this particular board, but after that comment, I felt the need to say that.

Commissioner Mosby: I will second the appointment of June Folz.

Commissioner Mourdock: I think, I probably need to remove my motion, since I had moved that Jerry be on that board. So, I will rescind that motion. With June Folz, you made the motion, David, is that right?

Commissioner Mosby: No, she did. I just seconded it.

President Fanello: I'm, that's my recommendation.

Commissioner Mosby: With that I will make an appointment for a Democrat, I will appoint, or put it in the name of Jim Will, Sr. Just so we don't confuse that with Jim Will, Jr. There is two of them. So, I'm appointing Jim Will, Sr. as the Democrat appointee to the Airport.

President Fanello: I guess, I'll second that motion. So ordered. I think it's only pertinent, at this time, with the activities that took place last week. We are missing two critical people in the audience to talk about the resignation of the County Highway Engineer, or County Highway Superintendent. Mr. Kissinger is not here, and Mr. Wortman was invited to the meeting, and Ms. McKinney did have conversation with his secretary today, and that conversation went as—

Tammy McKinney: I called Friday, and he didn't return my call. Then I called again today, and the receptionist/secretary said he was out of town.

President Fanello: Okay. So, those invitations were extended. Commissioner Mosby, we had quite an exciting week while you were gone.

Commissioner Mosby: It didn't storm like this in Panama City.

President Fanello: I don't know if you've had a chance to get caught up on the newspaper articles or anything. Or get caught up on what took place last week, but, or if you have any comments that you would like to make.

Commissioner Mosby: I'll give it my best, if that's what you're asking.

President Fanello: The only comment I would make is a very general comment that when things like this happen, and I had discussion with Mr. Kissinger on Tuesday afternoon at 2:00 at the Highway Garage, plus discussion with the five foreman and supervisors out there. The thing that worries me is the perception. Anytime, you know, the County Council is dealing with the department heads that are under the Commissioners. You know, we need to make sure that the lines of communication are open to the Commissioners, because they have to be involved in, you know, allocating projects, and prioritizing projects in the county. It's just a bad perception when things like this come up, that everybody is not working together, and they are not on the same page. I mean, we saw it happen at budget time last year, and we're discovering things this year. So, we all need to make sure that we stay, you know, open with communication. That's my problem with the situation that came up, was just the perception of what was going on, and the lack of communication with this board with Councilmembers.

Commissioner Mosby: I apologize for not being here last Monday. I was on vacation. I wished I had of been here. I have, I did have conversation with Mr. Kissinger. I guess, I can relate to his frustration in some senses. I don't feel what the news media had did to Mr. Kissinger was appropriate. I don't feel like outside of Mr. Kissinger that what the news media did to any department head, just because they decide to take a vacation day and go out and play golf was appropriate. Employees throughout this county earn vacation, sick time, and personal time to do what they want, and as a department head, I'm not going to ask every employee when he decides to take a vacation to put down what he is doing. Or what she's

doing. Because that time is their time. They've earned that time. I can understand his frustration. We had a long discussion over that, and he was right, he was not an elected official, I was. He was an appointed official. An appointed official who did a very good job. An appointed official who several people on numerous occasions said, you're very lucky to have a man like him. I talked to people that worked at Bartley and Perigo with him, where he come from. I talked to people who worked at Phoenix Construction with him. We finally got a Superintendent, you know, who was very qualified, who did his job to the best of his ability. I was reading e-mails today that came into the office of, you know, when I called him he returned my call promptly. He listened to my description of the problem. He went to the site, and evaluated the situation. He provided advice. I've heard from people in the public all weekend, since I've been back, well, can't you talk him into staying? You know, blah, blah, blah. I don't blame this all on the news media. I wish Mr. Wortman was here tonight. I really do. I had a conversation with Mr. Wortman, and I want to say that that goes back, I wished I could recall the date of when Ralph was presented to the County Council, and Mr. Tornatta might be able to help me, he's a Councilman. His job was up for an upgrade, and he went through the salary committee, like every other employee does, and that committee warranted him a raise, at that time. Mr. Kissinger didn't receive that raise, and when asked why three months later, it was said, well, you all never applied, or provided funding for that. You have to do that. At that point, we said, you know, nobody told us that, but, okay, that's fine. You know, we'll provide the funding, and we'll bring it back to you. When we brought it back to them, conveniently Mr. Raben was out of town. You need five out of seven votes, and Mr. Wortman and Mr. Bassemier voted against Mr. Kissinger, after he had went through the salary hearing. I confronted both of them the next day. Yes, they are both frustrated, and it was political, whether anybody wants to admit it or not. Mr. Wortman, on several occasions, had asked Mr. Kissinger to do some things at the garage that Mr. Kissinger was told not to do. Now, Mr. Wortman never approached this board. Mr. Wortman never stood at that mike. Mr. Wortman has never asked these Commissioners to do that, but he wants to go out and harass an employee, and ask him to do it. I would ask the news media to look into that, they are so big on open door. So, you know, they might want to talk to Mr. Wortman. As far as Mr. Bassemier, yes, his sons were disciplined. I confronted him about that. Yes, I do think it was political. He was told to come back at some point in time. This is not what department heads should have to go to, go through. Them department heads serve at the pleasure of this Commission, and I would tend to say that if the Council has a problem, rather than take it out on their salaries, or on them, when they had been warranted, through the Council, to go through the salary commission, and they did, then let them come to the Commissioners. I think them Councilman should bring them problems to us, and say, why can't this problem be taken care of? Why can't this drainage problem be solved? Why can't this road be solved? Why can't we do this or that? I totally agree. It should be in an open meeting, and I would welcome Mr. Wortman to be standing right there at that mike tonight. I would say the same thing, and I'll say it next week if he comes. That's my feeling. I'm sorry to say that all the people that have asked me over the last three days if Mr. Kissinger will come back. No, he won't. We will be looking for a Superintendent, and we will do something in the interim at the County Garage to see that services to this public goes on.

President Fanello: Thank you. Is there any other Old Business?

Commissioner Mourdock: I think that was Old Business.

President Fanello: Oh, that's what I said, is there any other Old Business?

Commissioner Mourdock: Oh, I'm sorry.

**New Business**

President Fanello: Any New Business?

Commissioner Mourdock: Under jail business, again, I'm not sure if this is old or new, but, David, you might give us the update of your meeting you had scheduled today with the CSX folks.

Commissioner Mosby: We did meet with CSX today, and when I say we, you two weren't involved. It was the architects from United Consulting, the site selection team of Bernardin and Lochmueller, and the Chief Deputy from the Evansville Sheriff's Department, and the Sheriff was there. We had a very good meeting with CSX. We looked at the land. We tried to get a history on it. Corporate counsel got some questions answered that he was very interested in. We have submitted a appropriation claim to the County Council to try to acquire that land. So, there has been an appropriation submitted. We had a very good meeting with CSX today.

Commissioner Mourdock: Next likely step from them and from us is?

Commissioner Mosby: Next likely step is I asked them to give us until the first Wednesday of next month to see if the appropriation goes through. They are willing to do that. They are going to hold the land, the 82.2 acres, at this point, until we decide, you know, how much of it we want. We talked somewhat about environmentalals today. We talked about land titles, and we talked about their leases, and what status the land is in with the farmers. We have a clear cut view on all that, and we would be ready to proceed, I guess, if the county appropriates the money, the County Council.

Commissioner Mourdock: I would just state as someone with a long history in the environmental business, and some 25 years of negotiating properties and real estate deals, if there is anyway I can be involved, obviously, the two of us couldn't be there at the same time, but I will make my services available.

Commissioner Mosby: When it comes down to, and gets to the technical part, I would feel free to let you sit in, and, like I say, we, you know, did tell CSX that when it come down to it, and even if the Council, when the Council appropriates the money, if they do, I mean, we want to be sure, and we've asked them to do some preliminary environmentalals, and we want to be sure that we get clean titles. They've assured us they have deeds and abstracts to all the properties, and they would send us copies of it. That if, at any point, and any time that there is something wrong, the deal is null, and everybody walks away. No money involved.

Commissioner Mourdock: So, are they in the process, at this point, I guess, they are waiting till we hear back from Council on funding?

Commissioner Mosby: Yes.

Commissioner Mourdock: If, in fact, we say, yes, we have some maximum figure of funding available, and then we are ready to negotiate, at that point, are they going to send us title? Are we going to begin working title prior to any final environmental work?

Kevin Winternheimer: Actually they are going to, I forget the gentleman's name, they are going to send us copies of what they have.

Commissioner Mourdock: Okay. In advance?

Kevin Winternheimer: Right. In the interim.

Commissioner Mourdock: Okay.

Kevin Winternheimer: So, we can review them now. We may need to do some title work, as to, I don't know if he's just got the original deeds. Until I see them, I don't know what he has.

Commissioner Mourdock: How many tracts are there? Is it basically just one tract?

Kevin Winternheimer: No, there's more than one tract. I asked that question. They acquired it in pieces, but I gathered it was generally fairly large pieces. It's not like buying individual lots.

Commissioner Mourdock: Uh-huh.

Kevin Winternheimer: So, there are a number. The exact number he didn't know, and I have no idea.

Commissioner Mourdock: And is there possible access to 41?

Commissioner Mosby: Yes. Yes.

Commissioner Mourdock: Full time access, not just a (Inaudible. Talking over each other.)

Commissioner Mosby: Full time access. We discussed that, and there is a possible access on the northern end.

Commissioner Mourdock: On to St. George or north, I mean—

Commissioner Mosby: No, on to 41 before you get down towards St. George. There's a possibility. The local operations person, who heads that operation here for Evansville and surrounding counties was with us today, and he assured us that we could have access to 41. So, and, I guess, if the money is appropriated that would give us access to the land to start doing any type of investigation that we want to do.

Kevin Winternheimer: And we don't, until we know how much we have to spend, we don't want to start spending money on environmental—

Commissioner Mourdock: Exactly.

Kevin Winternheimer: —and all that kind of stuff.

President Fanello: I just have a couple of items of New Business. I have a letter for the Commissioners to sign to INDOT, asking them to accept the interchange at Lynch Road and Interstate 164. I just got it this afternoon, because John Stoll had typed it up for us. So, it is a recommendation to them that they do this. John did a

very good letter, preparing the letter. Inside there are some instances where this is consistent with what's happened in the past.

Commissioner Mourdock: Is everything done on the punch list out there, John?

John Stoll: It's not completed as of yet. I spoke to Bernardin Lochmueller last week, and they were saying late August or early September is the anticipated completion date, but there are enough work days left in the contract that it could go to late September, early October.

Commissioner Mourdock: Okay.

John Stoll: So, if it does get done late August, early September, it would be an early completion.

Commissioner Mourdock: Okay, well, I'll move approval of the letter to INDOT.

President Fanello: Okay. Thank you.

Commissioner Mosby: Second.

President Fanello: So ordered. The other item is if anyone is interested, I will be delivering a state of the county address tomorrow at the Rotary luncheon at noon at the Coliseum.

Commissioner Mourdock: Okay.

President Fanello: If there is no other New Business, we'll move on to department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: I've got three items. First I've got a time extension request from Koberstein Trucking for the Evergreen Acres Drainage Improvement Project. They are requesting that the contract deadline be extended to July 21, 2002. Basically, they've completed all the drainage work. They are just needing to put the final asphalt down. It's requested that this be approved.

President Fanello: John, I did not hear the first part of your—

John Stoll: They are requesting that the, Koberstein Trucking is requesting—

President Fanello: Okay.

John Stoll: —that the deadline be extended to July 21<sup>st</sup>.

Commissioner Mosby: I make a motion to extend the deadline.

Commissioner Mourdock: Second.

President Fanello: So ordered. Okay.

John Stoll: Next, I have two street acceptances, both are in Keystone Subdivision. The first is in Section 7B of Keystone. This is 791' of Rimridge Drive, 549' of Quakerbridge Drive, and 707' of Drakewick Drive. These streets were constructed generally in accordance with the approved plans. So, it's requested these streets be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The other acceptance request is for Keystone, Section 7C. This is 149' of Saybrook Drive, 1,211' of Porterfield Drive, and 299' of High Tower Drive. It's requested that these streets also be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

Commissioner Mosby: Can't think of anything.

<b>County Highway</b>
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President Fanello: County Highway.

Reggie Haskins: I'm Reggie Haskins, County Highway Department. I hope you all received our weekly reports last week. I don't have any new business, and I'm open for any questions you have to ask.

Commissioner Mourdock: Last week, Reggie, I asked the status of Ralph of the Upper Mt. Vernon and Red Bank paving. They had done some milling out there. Is that finished up?

Reggie Haskins: No, we've got one lane paved, as of today.

Commissioner Mourdock: On which?

Reggie Haskins: On Upper Mt. Vernon Road.

Commissioner Mourdock: Okay.

Reggie Haskins: We had to mill down, and what we did, we put a base coat down on one side of Upper Mt. Vernon, and we're coming back down the other side as we speak, or as we go along tomorrow.

Commissioner Mourdock: Do you expect all of it will be finished then by next Monday.

Reggie Haskins: I would have to get with my Road Foreman on that.

Commissioner Mourdock: Okay. The point I'm making—

Commissioner Mosby: Commissioner, the Red Bank is done.

Reggie Haskins: Oh.

Commissioner Mosby: The whole surface on Red Bank.

Commissioner Mourdock: Oh, is that right.

Reggie Haskins: It's based on Red Bank.

Commissioner Mosby: I was on it Saturday night, and the finish coat is not done, but the whole surface is on Red Bank. They are just working on Upper Mt. Vernon.

Commissioner Mourdock: My concern that I expressed to Ralph last week was just that I'd gotten a couple of calls, obviously, when the surface out there has been milled up—

Reggie Haskins: Yeah, real rough.

Commissioner Mourdock: —yeah, a little rough, and people come in, and if it's wet at all, they slide around.

Reggie Haskins: Right.

Commissioner Mourdock: They were just concerned. So, we want to get that done.

Reggie Haskins: By tomorrow it should be finished with the base on Upper Mt. Vernon.

President Fanello: Are there any other questions? Thank you, Reggie.

Reggie Haskins: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I just have a couple of matters. The first is an update about the METS/USI contract with the city. I received a fax from Kerry Kamp, and they had a couple of minor changes. I will make those, and resubmit it to you for next week. That, as I understand, that contract, that was the four months of last year. I take it we do have the funding for that—

President Fanello: Yes.

Kevin Winternheimer: —so, we're able to proceed. Do we, have we heard yet on the (Inaudible) 2002 contract?

President Fanello: Yes, we do have the funding for that also.

Kevin Winternheimer: Okay, well, I will submit that to them as well. The next item is the inspection contract on the O'Day Project. I prepared that last Friday, and sent that over, and I believe everyone has had a chance to read, and I ask for your approval on that. I understand they are anxious to get going on that project. That's with PCI.

President Fanello: PCI.

Commissioner Mourdock: Okay, I don't think I've seen it, but I'll—

Kevin Winternheimer: You didn't get that in yours?

Commissioner Mourdock: Not now.

Kevin Winternheimer: I didn't mean to jump the gun on ya, but I think you want to proceed on that, is that correct? Okay.

Commissioner Mourdock: So, I think, really we need a motion to go ahead. If you're saying the contract is ready to go, Kevin?

Kevin Winternheimer: Yes, I wrote it, and the funding is there, right? I think, we're ready to go. I think they want to start on the building.

Commissioner Mourdock: Okay.

Kevin Winternheimer: (Inaudible. Mike not on.) get the inspectors on.

Commissioner Mourdock: Well, I'll move approval of the inspection with TT—

President Fanello: PCI.

Commissioner Mourdock: PCI.

Commissioner Mosby: And it's my understanding that you and John and Tammy have all went over it?

Kevin Winternheimer: (Inaudible. Mike not on.)

Commissioner Mosby: Everybody's went over it.

Kevin Winternheimer: (Inaudible. Mike not on.)

Commissioner Mosby: With that recommendation from all three, I will second that.

President Fanello: So ordered.

Kevin Winternheimer: Also, (Inaudible. Mike not on.) in any event, anyway, do what? Yes, very good. The Bakers and Daniels contract, you'd asked me to, thank you. The handbook contract, gee, anyway, I reviewed the proposals that had been submitted. It was a proposal from Grayson Group, Inc., from Waggoner, Irwin, and Scheele, and from Baker and Daniels. It's my recommendation that we go with the Baker and Daniels proposal. They just submitted a proposal to review the application and employment policy documents and the handbook. They are not in the business of doing compensation reviews. The compensation review was, I think,

a later thought, and are specifically more expensive. The other proposals for the handbook and related documents from Waggoner was \$14,000. The Grayson was, I believe, \$7,400. My selection is not only on price, which is considerably less, but also on the fact that Baker and Daniels has...the analysis I was looking for was the legal analysis of those documents. Even though Waggoner, Irwin and Scheele have lawyers they use to consult with, Baker and Daniels has an excellent reputation in this area as has been (Inaudible. Mike not on.) agent under Labor Employment Law is a big part of their practice. Given that, the price (Inaudible. Mike not on.) I can come back next week with the contract, if that is the (Inaudible) you decide to proceed. I do not have a contract before you, but that is my recommendation, Baker and Daniels for \$1,200.

Commissioner Mosby: I'll make the motion to accept Baker and Daniels.

Commissioner Mourdock: For the purposes of a roll call vote, I'll second.

President Fanello: Okay. Commissioner Mourdock?

Commissioner Mourdock: I'll vote no, because I want to make sure Baker and Daniels understands the message from our prior billing discussion, that we don't have anymore problems.

President Fanello: I think that's unrelated to this issue, but, Commissioner Mosby?

Commissioner Mosby: I'll vote aye.

President Fanello: I vote yes also. Baker, I was just going to say, Baker and Daniels is a top firm in the state of Indiana, and to say anything otherwise is ludicrous. They are willing to work with us, and get any issues resolved with this Commission. So, I think that is very unrelated to looking at our personnel policy, which has severe deficiencies at this point. So, that's the end of that.

Kevin Winternheimer: I have one more matter. That is we were asked by the mediator in the Federal Court Health Department case to see if we wanted to make an offer. My recommendation is that we do not. This is a case that we won in Federal Court. I see no reason to make an offer to settle a case that we have won. My recommendation is that we, that you vote to not make an offer to settle a case that we won.

Commissioner Mosby: I'll make that motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have. Thank you.

President Fanello: Thank you, Kevin.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Okay.

<b>Burdette Park</b>
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President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. This is Lori LaMar. She is with Morley, and she has something that she wants to get done.

Lori LaMar: I just wanted to ask permission for us to go ahead and send a notice to proceed to Arc Construction, so that we can begin to work.

President Fanello: Okay.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second. I have no problem with that.

President Fanello: So ordered.

Commissioner Mosby: Can you get it out tonight?

Lori LaMar: Yeah.

President Fanello: Thank you.

Steve Craig: Thank you, Lori. Okay, the other thing I've got, I guess, is that I had my financial report for the six months included in the packet. If you had time to overlook it.

Commissioner Mourdock: Hot weather shows up in the swimming pool.

Steve Craig: Uh-huh. And it slows down on the other parts of the park, but it's too hot to do anything but be in the pool.

Commissioner Mosby: I noticed the rentals were down. I mean, is that just due to weather? I mean—

Steve Craig: We had two or three of our larger picnics with the pavilion cancel this Summer, the companies. The last six months, they've been really slow, our rentals on our buildings. I don't know if it's got to do with the economy, or what. I know that the larger picnics that did cancel, the companies did not want to put them on this year for, I think, financial reasons.

Commissioner Mosby: So, they're not doing them at all? Or is it due to the fact—

Steve Craig: They are not having them at all.

Commissioner Mosby: Okay. I just wondered if it was maybe due to the fact that the pavilion wasn't air conditioned, or inside, and the weather was so hot. That's fine.

Steve Craig: No, they, back in April we had one. In May we had one, and in June another one showed up, and they just decided because of financial reasons not to have their picnics this year.

Commissioner Mosby: I noticed our concessions are doing well.

Steve Craig: Yes, they are.

President Fanello: Are there any other questions for Steve? Okay.

Commissioner Mosby: Thanks a lot.

President Fanello: Thank you, Steve.

Commissioner Mosby: Appreciate it.

Steve Craig: Thank you.

#### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move Soil and Water and Ozone Officer's Report added to the file.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### **Consent Items**

President Fanello: One additional Consent Item is the pink slip.

Commissioner Mourdock: Dealing with FMLA?

President Fanello: Yes. Thank you.

Commissioner Mourdock: I'll move the one Family Medical Leave pink slip be added to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: With that addition, I'll move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. And, if there's nothing else—

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:26 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Knight Assessor Burdette Park	Cumulative Bridge	Pigeon Assessor
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**Travel Requests:**

SWCD County Assessor	Treasurer	Health Department
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**Requests for Service:**

Computer Services	Veterans Services
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**Treasurer:** Submit monthly report.

**Prosecutor:** Declaration of surplus computer items.

**Sheriff:** Submit weekly jail and community corrections reports.

**ACS:** SONET/SBC Contract.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	John Stoll
Marsha Abell	Tim Van Cleave	Rose Zigenfus
Larry Kremer	Tom Hare	Joyce Worsdorfer
Brad Sterchi	Don Windmiller	Harold Gourley
Dave Whitmer	Reggie Haskins	Steve Craig
Lori LaMar	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and Transcribed by Madelyn Grayson.**

**Vanderburgh County  
Board of Commissioners  
July 22, 2002**

The Vanderburgh County Board of Commissioners met in session this 22<sup>nd</sup> day of July, 2002 at 5:28 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, July 22<sup>nd</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Suzanne Crouch, County Auditor; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the prior weeks minutes?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Opening of APA041-2002: Salt Bids**

President Fanello: Next item, sale of surplus property.

Phil Lawrence: I just have a, the salt bids were opened this morning at Board of Public Works. So, I have here a tally of how they've come in. We received six bids. Four, two were no bids, and four very good prices. The low bid appears to be North American Salt, which used to be IMC, at \$36.75. Here are your copies.

Commissioner Mourdock: Never fails, you get the salt bids on the hottest day of the year.

Phil Lawrence: They were taken under advisement until we, there are a couple of things we have to check out. IMC, in the past, has asked for a guaranteed number, which we have refused to do. So, I'm going to call and see if that is a provision that they are still requiring, because we can't do that.

Commissioner Mourdock: I'll move that we take the salt bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Sale of Surplus Property: 268 E. Mulberry**

President Fanello: Now next item, sale of surplus property.

Kevin Winterheimer: Yes, I'll talk about that. Rob Faulkner is not here. I have a letter from Rob Faulkner, who handles our tax sale matters, and there is a property at 268 E. Mulberry here in town. Apparently, you've tried to sell that, you tried to sell it at your surplus real estate sale, and had gotten no offers. CAPE would like to buy it and pay you \$200. He says that is approximately sufficient to cover the cost of the sale. He would, I guess, he's asking for your approval to transfer the property to CAPE. I don't know anything about the property itself, or anything. I don't know if anybody else does, but it's 268 East Mulberry.

Commissioner Mourdock: Only comments I would have, and I don't have any problem selling it to CAPE, as long as procedurally we do it right. Obviously, we normally do these through the auction—

Kevin Winterheimer: Right.

Commissioner Mourdock: —if we tried that, and it didn't work, then we need to make sure that's okay.

Kevin Winterheimer: Right.

Commissioner Mourdock: The second thing is, I would like to see whatever the sale price is, to be sure it is sufficient to cover the costs.

Kevin Winterheimer: Okay.

Commissioner Mourdock: So, \$200 looks low to me, but \$1,000, I would say, would be too much too.

Kevin Winterheimer: Okay.

Commissioner Mourdock: So, I guess, I would move then that we direct the County Attorney to review with the representative from CAPE what it would take to sell the property to them.

Kevin Winterheimer: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered.

**USI-METS Agreement**

President Fanello: Next item is USI-METS Agreement.

Kevin Winterheimer: Yes, did you want to do both agreements? I have two agreements, and I believe they were in your packets. One is to cover the last quarter of 2001, and that's in the amount of \$8,333.33. The second is to cover calendar year 2002. I had sent the first one to the Board of Public Works. They sent it back, and had one change. Actually, two changes. The one change was, I

had it subject to funding by both city and county fiscal bodies, and they wanted to change that to subject to funding by the county fiscal body, which I have no problem with. The other change is I had a ten day cancellation clause in there, that if either party wanted to end this relationship they could. They wanted to take that out. I have no problem. 2001 is over, so, obviously, there's no problem with that. I made the same changes for the calendar year 2002. I believe we do have funding for that now. Is that correct?

President Fanello: So, there's no cancellation clause at all?

Kevin Winternheimer: Right. We're into July.

President Fanello: I assume that's just a year to year—

Kevin Winternheimer: I didn't know if that was going to be a big issue, because we are already seven months into the—

President Fanello: Yeah.

Kevin Winternheimer: —funding for this year.

President Fanello: Questions?

Commissioner Mourdock: No.

Commissioner Mosby: I mean, I guess, we can elect not to fund it the following year.

Kevin Winternheimer: This is only for 2002. If you don't want to go to 2003, I would just suggest, as a courtesy, we give them some sort of notice in advance. There is no required notice. As far as I'm concerned, it's going to end in December 31<sup>st</sup>, unless we want to do something else.

Commissioner Mosby: Okay. I understand.

Commissioner Mourdock: When this came up before, I think, Catherine, did you not request some information from them on ridership?

President Fanello: Uh-huh.

Commissioner Mourdock: There was something...did we get that?

President Fanello: I don't think we ever did.

Commissioner Mourdock: I would be curious to know how many people are utilizing the service.

President Fanello: Uh-huh.

Commissioner Mourdock: So, I guess, with that being the case, if we haven't seen that information, I would suggest we go ahead with that for the remainder of 2002, but then—

President Fanello: Before we sign next year's—

Commissioner Mourdock: Yeah.

President Fanello: –we have the information.

Commissioner Mosby: I would agree to that.

Commissioner Mourdock: Okay. So, that one is the second one, right? The \$8,300? I would move approval of the agreement for services between the board and METS in the sum of \$8,333.33 for the remainder of 2002.

Commissioner Mosby: Second.

President Fanello: That's actually for the remainder of 2001, wasn't it?

Commissioner Mourdock: You're right. Yeah, for the past due amount for 2001.

President Fanello: Yes. Then the next one for 2002 is for \$25,000.

Commissioner Mourdock: Right. Do you want to hold up on that one until we get the ridership?

President Fanello: Well, we're already seven months into the year, so, and the appropriation is there, so.

Commissioner Mourdock: Okay.

President Fanello: I would just say before we sign next year's.

Commissioner Mourdock: Okay, well, I would move approval then...did you second the first one?

Commissioner Mosby: Yes.

President Fanello: So ordered on the first one.

Commissioner Mourdock: Then I would move approval of the 2002 agreement in the sum of \$25,000.

Commissioner Mosby: And we request that we get ridership numbers. Second.

President Fanello: So ordered.

<p style="text-align: center;"><b>Baker &amp; Daniels Service Agreement: Personnel Policy Review</b></p>
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President Fanello: Next item, Baker & Daniels service agreement.

Kevin Winterheimer: Yes. You should have a very short, simple agreement in front of you. I forgot to bring the clean copy. I don't know if you have one, but it's there, \$1,200 to update the handbook.

Commissioner Mosby: I would definitely make the motion that we accept the services of Baker & Daniels to update the handbook, the county handbook for the amount of 1,200 bucks.

Commissioner Mourdock: Okay, and we discussed a little bit of that last week. I'll second the motion, but I'll also make the request, and I think the key here, and when we got in those proposals, they kind of covered the board as far as who was going to do what, and it was kind of hard to judge prices, but, obviously, let's see, what section was it? Section three they talk about submitting something for services. I'm sorry. They talk about additional services.

Kevin Winternheimer: Additional services.

Commissioner Mourdock: Yeah, and I just want to make sure we track that carefully.

Kevin Winternheimer: Right. They will not, will have to get authorization from you before they can do anything additional beyond—

Commissioner Mourdock: Yeah, I understand that. I just want to make sure as those things come in, we are comparing them with what the other proposals were.

Kevin Winternheimer: Right.

Commissioner Mourdock: So, I did make that second.

President Fanello: And so ordered.

**Dennis Woehler: ONB Insurance**

President Fanello: Next item Dennis Woehler.

Dennis Woehler: Dennis Woehler, ONB Insurance. Just kind of wanted to update a little bit on the advisory committee. These are just hand outs of some of the things that we discussed at the meeting, or meetings, at this point. I think the goal here we're starting to accomplish. A big part of the goal was to, not only make people aware of what they have, but where health care, in general, is going. I think we made some real inroads. Number one, in helping people understand what they have. Not only on a general basis, but it has also allowed them to bring in things on a personal basis from, from people in their areas that were problems that they really didn't know how to fix, and had not actually asked. So, I think we've made, I think we've made a lot of progress, and from that, of course, I've gotten a lot more phone calls from people now that they know a little more about who we are. But, I think, also Anthem and Welborn have gotten more phone calls as well. People have a much better understanding of where they are. While we may not all know exactly where we're going, it's important to know where we are. I think we've made some real progress in that. We've done some surveys about what they like and don't like, and what direction they would like to see things go. As far as, would they rather pay more, and keep high benefits? Or would they rather lower their benefits a little bit to keep the out-of-pocket down? The results of the survey were, actually, kind of surprising, I guess you would say. They all, without question, all said they would rather pay more, than to lower their benefits. I was a little surprised at that response. Especially when I showed them the numbers over the next ten years what their out-of-pocket expense would look like. At any rate, we've discussed, and I think we

have a real good panel of people there. Discussed a lot of options, and how plan changes can be made without having severe effects on them. So, I think we have a panel of people who understand, and who are taking good information back to their people.

Commissioner Mourdock: How effective, and in your survey, was it a scientifically accurate kind of response, do you think? And that comment that people would rather see their prices go up, or see their costs go up?

Dennis Woehler: I asked the question, specifically, would you rather lower, see lower benefits, and lower out-of-pocket? Or would you rather keep your benefits the same, and pay more? Twelve out of twelve, well, I only got ten of the twelve surveys back, but ten out of twelve said they would rather, would rather keep their benefits, and pay more. So, and, likewise, I asked what do you think of Anthem? What do you think of Welborn? Questions like that, and, surprisingly, I had no, no negatives, or very few negatives on either one. Ten out of ten liked the plans, and said they would just, they would rather keep them than change.

President Fanello: I just wanted to say that I've attended a couple of the meetings, and there has been really good response in the meetings. Everyone who was chosen to come to the meetings has pretty much been making the meetings, so.

Dennis Woehler: Yes.

President Fanello: And you had Anthem come in and make a presentation.

Dennis Woehler: Sure did.

President Fanello: Is that the only one that's been in?

Dennis Woehler: Last month Welborn came in. As a matter of fact, their Medical Director, the doctor who is, who is the Medical Director for Welborn Health Plans was here. So, people got direct answers on, you know, on claims that they had submitted, and, perhaps, were denied, or better explanations on how things work. I think it really kind of gave them an education on the trends in the industry, and what it's going to take to kind of get this monster under control.

Commissioner Mourdock: If I felt that 12 out of 12 responses was truly representative of all the county employees under the policy, that's a big if—

Dennis Woehler: Yeah.

Commissioner Mourdock: —but, if I did, I think I would make a resolution that we pass on all increased costs directly to the employees. I mean, if they are saying they are willing to accept those kind of costs, because we know they are going to be huge increases.

Dennis Woehler: If that is a consideration, I would request that you reserve that until we do questionnaires on 750 people.

Commissioner Mourdock: Yeah, right. Yeah, but it begs the question, if those 12 representatives aren't representing those people...and I'm like you, I'm just surprised at that result.

Dennis Woehler: Yes, and they're largely people who understand the situation as well, and understand that we operate on a tax base, and that it is not fiscally possible to keep going in the direction that we are going.

Commissioner Mourdock: Yeah.

Dennis Woehler: Not with the increases that we have.

Commissioner Mourdock: And that probably is the difference between those 12, and the others.

Dennis Woehler: Sure. So, I think the people who answered were answering because if they had their druthers, you know.

Commissioner Mosby: What's the, what's the chances of us surveying a majority of the county workers?

Dennis Woehler: We can do it.

Commissioner Mosby: I mean, that's what I would like to see us do. I mean, with the county department heads, and the elected officials and that, just have them attach it to the paychecks, survey them, have them drop them off, and send them back.

President Fanello: Uh-huh.

Dennis Woehler: We can do it.

Commissioner Mosby: I would say—

Dennis Woehler: The same survey we did on the committee, we can do company wide.

Commissioner Mosby: And it might even be that we take some of these quotes that you have underlined and maybe pass out some information to these people, letting them know what we're facing—

Dennis Woehler: Uh-huh.

Commissioner Mosby: —and what, realistically, what everybody in the nation is facing.

Dennis Woehler: Well, and it is an issue for everyone. Not just for us. Comparatively speaking, and when you compare the county to what, nationally, companies with your kind of benefits are paying, you're, you're probably 20%, 25% higher than what the national average is for a family rate. But, municipalities are, traditionally, higher than just about any other industry.

Commissioner Mourdock: How are we compared to other municipalities?

Dennis Woehler: The other municipalities that I have dealt with personally, you're in line, if not below.

Commissioner Mosby: We're what?

Dennis Woehler: You're in line with other municipalities in the state that I've had experience dealing with. That's city governments, and other municipal type operations. You're rates are within the range of everyone that I've seen.

President Fanello: I would say, Richard, instead of just passing the increases along, I think there is going to be a time where we have to revise how much we contribute in total. Our total percentage that we contribute. I mean, instead of just—

Commissioner Mourdock: That's saying the same thing.

President Fanello: Well—

Commissioner Mourdock: Yeah.

President Fanello: Mathematically, maybe, but—

Commissioner Mourdock: That says (Inaudible), yeah.

Dennis Woehler: You know, obviously, at, currently, any increase is, a portion of it at least, is passed on.

President Fanello: Uh-huh.

Dennis Woehler: What I showed them in numbers, with just taking the kind of increase that we had last year, is that by 2010, their out-of-pocket expense is going to be \$3,500 a year, if it stays where it's at, and the increase stayed where they were. I just don't think, you know, you're talking about a \$10 million health insurance bill. I don't think it's feasible to leave things the way they are. I think the panel understands that.

Commissioner Mourdock: Well, I did make that comment with the if in there.

Dennis Woehler: Yeah.

Commissioner Mourdock: If the rest of the employees...and my hunch is, if you do all 700, you won't get that same result.

Dennis Woehler: Yes.

Commissioner Mourdock: Because those 12 people probably are the more cognizant of the way the whole system works.

Dennis Woehler: Sure.

President Fanello: But, whether we get the same response or not, we're going to have to do something.

Commissioner Mourdock: That's right.

President Fanello: I mean, we have to, or we're not going to be, fiscally, we're not going to be able to afford increases on our own. Do we not contribute more...I know the city is self insured, but do we contribute more to our employees than the city does? Is there different—

Dennis Woehler: Without having access to their plan in total, I would say, no. We probably, but the city probably contributes more, but they have their dental and vision plan rolled into their package, as well. Now, they probably contribute more, but, if I'm, correct me if I'm wrong, but I don't think their plan isn't quite as rich, either.

President Fanello: That's probably true. Are there any other questions? Thank you, Dennis.

Commissioner Mosby: Thank you, Dennis.

**Sherman Greer: Terrorism Plan and Exercise**

President Fanello: Next item was Sherman Greer, and there he is. I didn't see him back there.

Sherman Greer: Good evening. I'm here to talk about the table top exercise that we are having on biological weapons on August the 2<sup>nd</sup>. We would appreciate it if we could have some representation from the County Commissioners to be there.

President Fanello: And I, oh, I'm sorry. I was going to say that I had asked Tammy McKinney to go, if that's okay with the board.

Commissioner Mourdock: What day is it?

President Fanello: Unless one of the board members wants to go.

Commissioner Mosby: What was the date?

Sherman Greer: August the 2<sup>nd</sup>. It's on a Friday.

Commissioner Mourdock: What time is it going to be?

Sherman Greer: It starts, well, we have registration at 7:30 in the morning, and it goes from 8:00, the exercise starts at 8:00 until 4:00. You don't have to be there the whole day, but, I mean, if we had some representation there from...it's nice to have her to come and everything, but we need some decision makers, because, there again, this is one of those situations to where that it's not a tornado, it's not an earthquake, it's not a windstorm, or something like this. It's completely new to all of us, and this is something that we are going to ask, have to, more or less grasp from the investigation phase of it from the law enforcement agencies to the response and identification, notification of the state health departments to our local health departments. It's a whole new ball game for all of us. This is something that we also have to participate in to be able to get funding for our fire departments, our law enforcement agencies for weapons of mass destruction through the programs that the state and federal is putting down.

Commissioner Mourdock: Is the Water Department involved with this?

Sherman Greer: The Water Department has been invited. We haven't gotten a designee from them, as of yet, but, we're hoping that we get someone within the next week.

Commissioner Mourdock: Do you know, have they submitted, yet, their, oh, what's it called? Their emergency reaction and mitigation plan for water supplies?

Sherman Greer: It's kind of ironic, I'm reading the whole new Federal Mitigation Plan right here now—

Commissioner Mourdock: There it is.

Sherman Greer: Just got this in the mail yesterday, well, today, I'm sorry, today. I was going over that, but, no, I don't know if they've submitted theirs, as of yet. We're all, right now, working on the mitigation plan that is supposed to be finished by the year 2003 for Federal qualification, or for Federal regulations, to be able to be funded, even more so.

Commissioner Mourdock: Okay. Well, going back to August 2<sup>nd</sup>, I might try to be there for part of it, unless one of you wants to be there.

President Fanello: Anybody else on the board? I mean, I can be there for part of it, I just knew I couldn't be there the whole day.

Commissioner Mourdock: Right.

President Fanello: That's why I wanted to make sure that Tammy was there.

Sherman Greer: The Mayor is going to be there in the morning, you know—

Commissioner Mourdock: If we can coordinate our schedules—

President Fanello: I was going to say, maybe we could work out a schedule where each of us goes for a little while—

Commissioner Mosby: Is it an all day thing?

Commissioner Mourdock: Yeah.

President Fanello: It's an all day thing.

Sherman Greer: We were going to feed you there. Once we get you there, we don't want you to leave.

Commissioner Mourdock: I'll be there at lunch.

President Fanello: We'll try and make sure that—

Sherman Greer: Okay.

President Fanello: —one of us, at least, pops in for a little while, if not more than that.

Sherman Greer: Very good. We appreciate it.

Commissioner Mosby: Well, maybe, can we still send Tammy for all day?

President Fanello: Yeah, that's what I was just, yeah—

Sherman Greer: Yes, but, she—

Commissioner Mosby: That way she can (Inaudible), and then we'll try to—

Sherman Greer: We're not going to beat up anybody. This is a learning situation.

Commissioner Mosby: No, I'm just kidding.

Sherman Greer: But, we're trying to get City Council, County Council, elected and appointed officials, and everything. (Inaudible).

Commissioner Mourdock: Is there anything, Sherman, that you are aware of, that the county, specifically, needs to do equivalent to what the water people have to do? For any of the services the county provides?

Sherman Greer: Just going through this plan and everything right now, no. But, still yet from Area Planning to, you know, the comprehensive plan that they have, to the Water Department, to Board of Public Works, we've been looking at that, and what, the way it's set up now, it's fragmented, by estimates on it, to where that each one of them is doing their own mitigation plan. What we're going to try to do is try to pull everybody together. There is no sense in having four or five different plans here, and write one comprehensive plan for the city and the county.

Commissioner Mourdock: Uh-huh.

Sherman Greer: To where that everybody is doing the same thing, meeting the same, all the guidelines that have to be met. Because if you've got one agency out here that is doing, let's say the Water Department is doing theirs, and they miss one element there, then that element is going to be missed throughout the whole plan. To where if we're all sitting around there together, then we will be able to pick up on that element that may not seem that important to them, but in the overall picture will be important to all of us, at that time. So, we're looking at that right now to whether we'll be able to make recommendations to....and we've talked to the people in the Area Planning Commission, the Building Commission, and some of these other departments, and just getting things set up. I think the plan is for a standard operation procedures for all of us are out there, but what we have to do is get together, and look at that and say, okay, this is the mitigation plan. What impact has this had on us before? How can we lessen that impact of having something else to happen?

President Fanello: Any other questions? Thank you, Sherman.

Commissioner Mosby: Thank you, Sherman.

Sherman Greer: Thank you.

<b>Public Comment</b>
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President Fanello: Is there anyone in the audience wishing to address the board?

Judy Weatherholt: Good evening. I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission. I just wanted to come and talk to the Commission a little bit, and give you an update on this organization. I know Commissioner Fanello talked to the Rotary Club the other day, and very much appreciate the comments about that. Of course, as you all know the Southwestern Indiana Regional Development Commission is a regional organization that focuses on Gibson, Posey, Vanderburgh, and Warrick counties. Several years ago the

community leaders were approached about putting together a regional, strategic plan for this area. Out of that strategic plan this document appeared. It's the Comprehensive Economic Development Strategy. There are a lot of issues that were raised in this particular gathering of information from the region. A formal board of directors, I think you all appointed seven members from Vanderburgh County to this board, and this board of directors was put together around February of this year. I was hired as of April of this year to come on board as the Executive Director. I'll give you a little bit about my background, what assets I bring to this region, and to this particular organization. I have a bachelors degree in Business Administration, and a masters degree in Public Administration. Now, I want to see if any stones are going to get thrown. It's from the University of Kentucky. Also, I have a background in Economic Development. I came here from Union County, Kentucky, as the Economic Development Director. Union County over there is a rural county. The county seat is Morganfield. I was the Director for Economic Development there. Prior to that I worked for an Owensboro Community College for the President of Special Projects and Programs at the college. Prior to that I worked for the Kentucky, one of the area development districts in Kentucky. It was the Green River, headquartered out of Owensboro. So, kind of bringing to the table a number of assets, hopefully, to help the region, and addressing some of the issues that were raised during the strategic plan, and the information gathering. As I said earlier, our board of directors was appointed by the counties. Seven members from Vanderburgh County, it's actually seven members from each of the four counties. What we did, in order to kind of implement and get started on some issues, and sitting down and discussing these various issues, we broke the board of directors up into seven committees. Each county has a representative on each committee. I'll just briefly give you an update as to where we are on these committees, and things that we are looking at. The first committee is Workforce Development and Training. Of course, as you know, in this area we have a number of providers, and probably programs that are addressing that particular issue. This particular focus of this committee is to sit down and look at what a lot of the providers are doing in this particular area, and maybe where there is some gaps. Friday we are having a full board of directors meeting, and we will be discussing an issue that we have been talking about from the committee level. We're looking at a consultant who is working with the certificates of training that is awarded from the Workforce (Inaudible) and the State of Indiana. We're looking at some tier training that is going to be employee focused that will be driven by the employer. It's just kind of a little bit different twist of some of the programs that are being offered. We want to take a close look at that, and see if that will work, and see if it's something that can be implemented in the four county region. A lot of these programs that I'm going to talk about, let me say up front, that we're looking at on a regional basis, but also we feel like a lot of the projects will have to be implemented on a county by county basis. So, we feel like that's a good opportunity as well. Michael Osborne from Vanderburgh County, he is your community and economic development person that works for the City of Evansville serves as the Vanderburgh representative on this committee. The next committee that we have is the Transportation committee. Roland Eckels serves on that committee from Vanderburgh County. We are talking with Rose Zigenfus at EUTS about the planning that she does, and some other planning that could be spread out and brought in for the whole region, and how this Transportation committee can have some input and interaction from on a regional basis. The Environmental committee is another committee that we have that is helping to address issues from our strategic plan. James Raben is on that committee. He is, I think, a County Council person. He is serving on that committee. A couple of things that we are addressing from the Environmental committee is a brown fields issue. I know the City of Evansville has a brown fields coordinator, and, but we are

looking at this brown field issue. We had a meeting a couple of weeks ago, and we had five representatives down from Indianapolis representing various agencies; Environmental Management, the Department of Commerce, the Development and Finance Authority, and some representative, the Association of City and Towns, came down and presented some material on the brown fields program, and what types of funding that may be available from state and local, or from federal, I'm sorry. We know that President Bush has put about \$300 million into his budget to address brown fields. We want to make sure that some of that federal dollars get spent down here in this four county region. As well as the state of Indiana has some brown fields money, and also some monies, that I understand, is in a petroleum grant fund. So, we want to make sure that we can bring as much dollars down to the local area as possible. So, those are some things that we are looking at from the Environmental committee, some funding opportunities. Another committee that we have is the Economic Development committee. Some of the rumors that I've heard since I've been here, is this organization is designed to replace our industrial recruiters in each one of these counties, and that's not simply the fact of what this organization is going to, the task that it is going to undertake, where they are to support those individuals, and each county does have a person, an individual person that addresses those issues. So, this commission can act as a support for those in addressing various things. Economic Development committee is looking at the economic assessment that is suggested in the strategic plan that was put together. We are doing the first part of that right now. It should be completed for the board meeting on Friday. We have taken the market street services report that was done for the Indiana Department of Commerce, you all may have seen that, it's on the Indiana Commerce website. We felt like it was a very good general profile, and, so, what we did is we took that profile and we took and added the regional data to that, and did some comparison, as how does this region stack up to the state of Indiana, as well as the U.S. So, that report will be available, and I'll be sure that the Commissioners get a copy of that report. And we are, after we finish that report, then we will move on to more in depth assessments of the region. We feel like that in order for us to move ahead on a regional basis, is that we need to know where we've been, where we are now, and where we need to go in order to build a viable economy, help to build a viable economy for this region. So, those are some of the issues that the Economic Development... Commissioner Mourdock is on that committee, and has been tied up on some of the dates that we've had, so I have asked him to let Ken Robinson sit in for him, so we, hopefully, keep you informed, as well as Ken.

Commissioner Mourdock: I do have on my schedule, though, the Friday meeting.

Judy Weatherholt: Good, good.

Commissioner Mourdock: I will know tomorrow. I've got a meeting in Terre Haute, but, hopefully, I'll know tomorrow if I can be there on Friday.

Judy Weatherholt: Okay, great. Look forward to it. The next committee that we have on our list is Infrastructure committee, and Suzanne Crouch sits on that committee for Vanderburgh County. Some of the issues that we are looking at from the Infrastructure committee is water and waste water issues. I get the local papers as well as the Evansville Courier, and a lot of the things that we see in there is talking about water and waste water issues. Just in my general conversations with folks out in these areas, they are talking about how expensive it is, on the waste water systems particularly. Of course, some of the smaller communities, as you know, have so limited users, and the cost is so prohibitive, it makes you wonder how

they are going to pay for it, in the long run. So, in order to look at some alternate ways of, you know, building these systems or looking at what other areas have done to address this expensive issue, the committee, we've discussed a couple of things, and we took a trip about a week or so ago down to Paducah, in McCracken County. They have a system called a joint sewer agency. Just to kind of look and see what they did on a county wide basis, putting together a system. Also, I think here in Indiana it's called a rural, regional sewer district, is what I think it's called here. It's equivalent to the joint sewer agency there. So, in our conversation with these folks, just to learn how they put this system together, some pros and cons, how these things were done, and maybe some suggestions if this sort of thing is applicable here, in any of the areas. Looking at more, some of the rural areas, particularly, because of the number of users and the cost. Also, too, we looked at a video tape regarding an alternate system of waste water from a company called Schaeffer International, and it was a series of lagoons, where it went through a series of three type of lagoon system, and at the end it produced water which you could use for recreational purposes. You know, irrigation to your golf courses and your parks, and that sort of thing. It's not for consumer use, but it is for an irrigation type of thing. So, those are some things that we're looking at, is trying to explore some ways that we can, maybe, present to our local communities. Some ideas that we have kind of done some data gathering on. So, those are some issues that we are looking at. Another committee is the Community Development committee. Lou Porter sits on that committee from Vanderburgh County. A couple of the issues that we've talked about from that committee is, housing is an issue. Of course, housing is always an issue, no matter where you go. Another issue that has been more talked about is programs for at risk youth. I know there are some existing programs that are addressing various levels of this, and our aim is to sit down and bring a lot of the partners to the table and talk about this issue, as well, and what is being done, and maybe find out where some gap areas are. We know there is some funding available through the federal and state level to help address some of these issues, but we need to sit down and talk to all of our partners; our School Boards, our Courts, our social workers, our, you know, just whomever that we feel like has had some input or some design in other programs. So, that's an issue that we are exploring. There may be an opportunity for us to attend a session that is going to talk about some more funding opportunities and ideas of things that has been put together. So, we're looking at that particular issue. The seventh committee is our Executive committee off of the board. This committee serves as kind of the oversight of the operation of the commission, and kind of my sounding board that, they are the President of the commission, the Vice President, the Secretary, and the Treasurer. Jonathan Weinzapfel is the President of the full board of directors, as well as sits on this committee from Vanderburgh County. So, we feel like that we have a really good board make up, and we've had some really good participation. We have met several times from each committee. We feel like, trying to address issues on a regional basis that we can be of service, not only back in your individual counties, but as a regional basis as well. To help make our voices stronger. We hear that sometimes Indianapolis is not paying as much attention to them as we would like. Maybe speaking as a region together, we can all make our presence more known or heard. Anything else that you all have concerns and issues with, and we can be of service, I do also have a background in grant writing, and some other project coordination, so, if there is issues that you would like for me to go in and sit and discuss with other folks, I would be glad to do that. If there is any questions, I would be glad to answer those. I appreciate you all letting me have the opportunity to come and give you an update.

President Fanello: Anyone have any questions? Thank you.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yeah.

**(Tape Changed)**

President Fanello: Is there anyone else in the audience wishing to address the board? Seeing none.

<b>Old Business</b>
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President Fanello: Old Business.

Commissioner Mourdock: I have two issues, one of which Judy just kind of touched on very briefly, but the thought occurred to me with the jail, and the discussions with the Wansford Yard, the potential for money that's out there at the state and federal level for brown field development. I don't know if Wansford Yard, I know part of it would certainly be considered brown field, but I think that is something we need to explore, to see if there may not be some money available, either state or federal, is brown field to go towards whatever we ultimately can negotiate to purchase out there.

Commissioner Mosby: I had talked to Michael Osborne one time from DMD, and he said if we got into that, I guess, they have a brown field coordinator—

Commissioner Mourdock: Yeah, right.

Commissioner Mosby: —and he said he would possibly loan us some services and help to try to get some money, if we need it.

Commissioner Mourdock: Well, I can certainly make contact through the Mayor, if you like, just to see if, in fact, that would qualify. I have no doubt that the area the city is looking at, where all that fill is in there, I would think that would certainly qualify. I'm not sure that the rest of it would, but it's certainly worth checking out.

Commissioner Mosby: According to CSX, the area they are buying, yes, is the old "groundhouse", I guess it was called, and it is contaminated. But, supposedly, the area that we're looking at is all in soybeans, and they have no record of any kind of activity over the last 50 to 100 years. If it qualifies, you know—

Commissioner Mourdock: Yeah, let's find out.

Commissioner Mosby: —or if we find any problems, I would most definitely take Michael Osborne—

Commissioner Mourdock: Yeah, and—

Commissioner Mosby: —and the Mayor was in that meeting.

Commissioner Mourdock: The environmental issue, from the brown field issue, they are not necessarily the same. You can have a brown field that is not, does not have any environmental problems with it. So, the two can be separate. In other words, you can have an old building lot downtown that there's never been contamination on,

but it's just now an abandoned building that otherwise needs some sort of economic development incentive to it, or whatever, so it could be a brown field. Like I say, it's worth checking out. Money is money.

Commissioner Mosby: If we can get money, I'm all in favor.

Commissioner Mourdock: Okay. Second issue I had, maybe this is under scheduled meetings, but it's also Old Business. The Community Corrections Advisory Board met last Thursday. Two items, just to pass them on to this Commission, as a whole. One, that board acted to go ahead and try to do a contract with a fella, who's name is, Wansler, Woehler, or something like that, from Cincinnati, to a—

President Fanello: Latessa.

Commissioner Mourdock: What is it?

Brad Ellsworth: Lattice.

Commissioner Mourdock: Lattice, that's it, yeah. To see how Vanderburgh County Community Corrections can better meet the needs of the community, or if there are other things we might do. Secondly, on the recommendation of one of the subcommittees, that board acted to adopt a four phase program for people who are at the facility that, basically, starts out with detention there, except when they are working, and goes through several phases until they get to electronic house detention. Or electronic home detention. So, both of those are positive things. On the issue of community corrections, I have to ask, too, given these other things happening, have we heard anything new from the state? Is there anything coming down the road that we need to be aware of that might affect the planning?

President Fanello: Yes.

Commissioner Mourdock: So that that full board knows about it.

President Fanello: I was just getting ready to go over that. I received a letter last week, and I'll give each of you a copy, and, Madelyn, there's a copy for the record. I'll ask the Sheriff to help me fill in the blanks over here. The Sheriff and I went to meet with some representatives from the DOC, July 8<sup>th</sup>—

Brad Ellsworth: Yes.

President Fanello: —up at the Wabash Valley Correctional Facility. Out of that meeting we had a, probably about a two hour discussion, I guess, and we went over several things, and especially the talk of us possibly closing this facility down if we did not see some help, or could not get some assistance from the state. They kind of outlined in the letter what they are proposing, at this time. Or what they thought came from the meeting, and, basically, as far as construction, they are willing to contribute up to 50% of the cost of constructing a new facility. They would like to see us make our facility a regional facility, and take the bed count down to about 125. They want some beds designated for females, and they have decided that there is no need to continue with any kind of additional studies. They want to continue discussing with us, and they feel like, I think, that we know what's going on here, and they know what's going on. So, they will not be pursuing the Crowe Chizek study.

Commissioner Mourdock: Okay, does that mean that the other one though, the Latessa study—

President Fanello: No, no.

Commissioner Mourdock: —that I just mentioned should not be done?

President Fanello: No, no. That's a little bit different. They were all in favor of that. They were very excited about us doing that, but the Crowe Chizek study was a little bit different than that.

Commissioner Mourdock: Right, right.

President Fanello: That was more a financial base, where I think Dr. Latessa's is more—

Brad Ellsworth: Programming.

President Fanello: —program based, yeah, so. Basically, that's kind of where we are right now. You know, their intent, when they talked about operations, their intent, their goal is to try and get Vanderburgh County to a point where we are not using any General Fund monies. That's the goal. Don't know if that's where we're going to be, but that's definitely the goal. So, do you have anything that you would like to add, Sheriff?

Brad Ellsworth: Just like you're saying, of course, that, you know, after the years of meetings where you are talking about more beds. I don't think it's been any secret that the DOC was always recommending less residential to us, and they actually prefer the, and I think that was before even Dr. Latessa comes in, is the day reporting that the time that people are allowed to stay out there, they are not going to recommend that long of a sentence out there, probably closer to a year of in-house. That by dropping this down, in number of beds, and by doing these phase programs, that we will not see the need for that many employees out there. Like I said, what their sentiments were that we would be doing very little, if any, financial input from the county General Fund. Like you said, they were looking at 125 beds, for 100 male, 25 females, and an additional 25, what they call regional female beds. If the surrounding counties, that's to comply with the state statute that says it has to be regional for them to contribute the 50% towards the construction.

Commissioner Mourdock: How can we get it defined as regional, Brad? Does that mean we have to have operating contracts in place with surrounding counties that they send folks to?

Brad Ellsworth: Probably so. They were not specific on that, but just that the beds were available to the surrounding counties, and they recommended 25.

Commissioner Mourdock: Yeah, do you have any knowledge whether or not any of the surrounding counties are willing to do something along those lines?

President Fanello: I know that Posey County is interested. I know that Gibson County is interested. The only one I'm not sure of is Warrick County.

Commissioner Mourdock: Okay, is there a state established type of rate, like there is for jails? 35 bucks a day?

Brad Ellsworth: No. No, not that I know of in community corrections. That is something that we would have to work through with them.

Commissioner Mourdock: Sure.

Brad Ellsworth: But, an additional ten beds for community transition, so, we're actually talking about, with the freedom of 125, but also another 25 regional, and ten for community transition. Which we are probably going to get anyway, those community transitions. So, you're looking at 135. So, we're looking at about a 40 bed decrease. Of course, I have not talked about this with the board. This letter just came down since the last meeting. So, it has not come up there.

Commissioner Mourdock: Which one?

Brad Ellsworth: With the Community Correction Advisory Board.

Commissioner Mourdock: Oh, okay.

President Fanello: So, I'm going to bring it tonight, and bring it up, and, obviously, get your input, as we approach budget time. I mean, we need to be making a decision of how we want to proceed. I know Commissioner Mosby's had some thoughts on community correction, so.

Commissioner Mosby: Fuel for thought here. I guess, the first thing that is going to bother me, is the fact that we're proposing 125 beds, when we've got 205 beds filled right now. I'm just going off of number two. Number four is going to bother me when we are going to make it a regional facility. I mean, we're already cutting the amount of beds back, but, and we keep them full, and all of a sudden now we're taking in a whole region, you know, rather than just Vanderburgh County. So, I mean, it's obvious to me if we can fill 200 beds on our own, it's not going to be hard for us to fill 125 beds, or 150 if you count, I guess, 25 for females, or however you're coming up with 150. If we did go regional, I would want to see numbers on on-going operational costs, because, number one, if we're going to decrease it by 50 beds, it tells me my cost ought to go down by 50%, or, I'm sorry, by 25%. Because if we've got 200 beds, I'll just take the 50, divide it by two, and I'll say we ought to go down at least 25% of the \$2.2 million. If it's going to be a regional facility, I want to see what every other region is going to put into this to cut Vanderburgh County's costs too. So, I mean, these are things I would encourage you to possibly go back and have another meeting with the DOC on before I would want to make a determination on where I stand. I mean, I would definitely say if we're going to cut the program by 25%, Vanderburgh County's cost is going to have to come way down. If we're going to make it a regional facility, then, you know, I want every other county kicking in towards that on-going cost. Plus, I mean, I still stand behind the fact that I think the state ought to be covering a lot of this cost. They do in other counties, and, you know, for being ahead of the game, we get penalized still today. I mean, these are some of the questions that I would have to see answered.

Brad Ellsworth: I can't speak prior to 1999, or in that area. I think we've made some great gains, and, you know, a 24% increase, or 28% increase in the last, our first grant application. Now, you know, going from meetings where they say there is no money available, to the DOC saying we'll spring, basically, an agreement of 50%. I think we're making strides in the right direction. I'm not as concerned about those numbers. We've talked about that the place was too big. I know that we were at a point last year that we were ready to drop this to 150 people. There are things we

can do that increase, and not everybody is a guard. The way we designed this, certainly, we can cut staff by the way that they design this live in facility. There is programming employees, and case managers, we'll have to look at those numbers and case loads, but I agree, and I think that's the DOC's intention. Like they told us that they would like to see us spend, get down to nothing from our General Fund, if that's possible. It may not be immediate, but it might be something that we work towards. Another thing they said they were not opposed to was us building this for future expansion.

President Fanello: That's right.

Brad Ellsworth: That was not in the letter, but they were not opposed to us, when we constructed this that, you know, we could build it for expansion, to increase the numbers if that became the trend. So, you know, we're looking at the ways to bring in day reporting, cut the length of time that, and that's what a committee is coming up next for, who gets in the community corrections complex, how long they stay. That will be the next subcommittee's charge, is coming up with those numbers and recommendations, just like this new phase program. So, I'm encouraged by it. Will we be paying nothing immediately? I can't say that, but I'm encouraged by this from where we were.

Commissioner Mosby: I'm definitely encouraged by the fact that they are willing to pay 50% of the cost of a new facility. I probably am willing to join in with them on that, but it's, like I say, it's the operational costs that I have a concern with. I mean, also in number five it says some of the beds in the new facility will be made available for offenders returning.

Brad Ellsworth: Right.

Commissioner Mosby: So, now we've taken in regional, now we're taking in returning, we don't have enough beds as it is. You know, where is everybody going?

Brad Ellsworth: We do that right now though, Commissioner Mosby. The community transition program, that's what they are talking about, and we actually get paid, part of the grant is for the community. So, we'll be getting money back in the grant for community transition. That's still, we've got available, there are people in those beds right now that are community transition people. I don't know if there is four or five, but I think we were talking about ten community transition beds, and that's strictly up to the Judges whether they want to allow that person back into the, to come back here for the final three months. As far as the regional, you know, up to 25 beds available, I'm guessing that we won't see those full all the time. You know, I'm just guessing that the surrounding smaller counties don't have a whole lot of females that they are going to be sending over to us. You know, we may be able to use those beds, but we do need to make them available. I mean, that's the number they kind of started with.

Commissioner Mosby: Well, I mean, I guess that's my question. Can we use them? Or do they have to stay available?

Brad Ellsworth: That I will have to see if we can just leave them blank or whatever, but it's female beds, and you have to remember that we've only got 25 females over in our complex now, and that's not always full.

President Fanello: I think what we probably need to do is maybe have another meeting with them, and I would like to take, if you have any questions, and take your concerns back to them, and get those questions answered.

Commissioner Mourdock: I have a lot of questions and comments. I think, David, all the points you made are excellent points. I presume none of the Judges have seen this letter.

President Fanello: No, this is just—

Commissioner Mourdock: It says July 8<sup>th</sup>, but—

President Fanello: —yeah, I just received it last week, after last week's meeting, so.

Commissioner Mourdock: Oh, okay. I would suggest that this be on the agenda for your criminal justice meeting—

Brad Ellsworth: Sure.

Commissioner Mourdock: —which is, I think, this Thursday?

Brad Ellsworth: Yeah.

Commissioner Mourdock: Is that right? Because I suspect the Judges are going to look at this right away, and then say, well, then the new jail is not nearly big enough. Because just using our present numbers, comparing what this would do, and what I know they are going to instinctively do, which is say if they are not going to community corrections, they are going to jail. In which case, our net gain right now is 66 beds, in building a 484 bed jail. I think your comments, David, regarding, you know, cutting our own program, taking in all these people from surrounding counties, plus, I'm going to guess there will be more people still in the transition. I just wonder where these people get off saying, well, you get to build a 125 beds, and if you do, we'll build half of it, and still no discussion of the operating costs, so.

President Fanello: But I think they are moving to more program, I mean, more programs instead of just a dormitory, right? Is that—

Brad Ellsworth: They are, they have bought into the day reporting model.

President Fanello: —not just...that's the word I couldn't get out, day reporting.

Brad Ellsworth: That's what they say they are willing to fund. That's why they are stressing, and they allowed us to transfer those funds for Latessa, because they basically said that when Latessa comes in, and that's why they stressed that it is so important for all of the stakeholders to attend that seminar; the Judges, the Commissioners, Council, us, everybody. The prosecutor, that this guy will convince our group on the importance of day reporting, and to increase that over residential.

Commissioner Mourdock: So, arguably, Latessa is the expert that has their favored opinion. So, he's going to give his favored opinion to us to say what they want us to hear.

Brad Ellsworth: I'll wait and see until October if he can convince me. I don't know. It's certainly the Judges that they have to convince.

Commissioner Mourdock: And that's right. You're exactly right. I wish him well. I do wonder too why they put in here, though, why the state would care that the new facility would be located in close proximity to the proposed county jail. I mean, I don't know why that would, necessarily, matter to them.

President Fanello: Well—

Commissioner Mourdock: I mean, I understand why it might make good sense for us, but why the state would—

President Fanello: —and we talked about that. We talked about the pros and cons of that, and that was, they just agreed with our theory.

Brad Ellsworth: I think they were just following our—

President Fanello: Yeah.

Brad Ellsworth: —that we said, you know, we talked about this Wansford Yard, and that there was a possibility there was going to be, you know, enough space there. I know we just said that that was what we preferred, having it that close.

President Fanello: And they didn't have a problem with that, so.

Brad Ellsworth: Yeah, I don't think that's really their concern. Or that that's important to them.

Commissioner Mourdock: This doesn't say anywhere how many out-of-county beds are dedicated.

Brad Ellsworth: 25 regional female only.

President Fanello: Uh-huh.

Brad Ellsworth: Because, apparently, they are—

Commissioner Mourdock: Where does it say that?

Brad Ellsworth: —looking for, there is a shortage of female regional beds in this area.

Commissioner Mourdock: Yeah, but it doesn't say, I understand it says the regional bed, or regional facility means that some of the beds would be make available for female offenders, but I don't see that it says 25 from out of the county. It just says 25 female beds. So, there is no real number.

President Fanello: Well, I don't think we really came to a final number that day—

Commissioner Mourdock: Right.

President Fanello: —because we had, we need to do a little more research about our own numbers—

Commissioner Mourdock: Yeah.

President Fanello: —and find out who was interested anyway, and see—

Brad Ellsworth: Right. That was a starting—

President Fanello: Yeah.

Brad Ellsworth: —number to get back and get some kind of, you know, an agreement, or some kind of start on paper—

President Fanello: Yeah, this is just, basically, a start, I mean, there is still plenty of questions to answer, but, I mean, the main thing was them contributing 50% of the construction, and then, plus their goal of us not spending any General Fund money on operations, so.

Commissioner Mourdock: But that goal is not stated in here either. I mean, I'm not taking, not discounting your word, I'm just saying they haven't put that in here.

Commissioner Mosby: I mean, that's why I would encourage you to go back and talk to them, because that's the one I'm waiting to hear.

Commissioner Mourdock: I agree. That ought to be the first priority. I would rather construct it, and let them operate it for costs.

Commissioner Mosby: I mean, even if they're, I guess, my other point is, if they're not saying that we can get to the point where we are spending zero, I want to know what number they are coming to. You know, if they say you're going to spend a million and a half, the first thing I'm probably going to do is look down and say, hold it, my programs been cut dearly in half, or nearly. By the time I accept regional, and everything else, but I'm still spending a million and a half.

Brad Ellsworth: Right, and I think what they, these, the 50% for bricks and mortar is coming out of a capital account. The other for salaries and that are out of that grant cycle, I'm guessing. It's two different accounts that they may not be able to, they can commit this. They know what they've got.

President Fanello: Uh-huh.

Brad Ellsworth: I'm just guessing, at this point, but they can't commit to that until we write a new grant and ask for that.

Commissioner Mourdock: Catherine, you mentioned through this year's budget process, there are no dates in here at all, did they give you any indication as to what they are trying to do date wise? Or when they are looking for—

Brad Ellsworth: I don't remember talking about dates.

President Fanello: No, and, I mean, really a lot of it's up to us. If, I mean—

Brad Ellsworth: They didn't act like there was, that they couldn't act—

President Fanello: Yeah.

Brad Ellsworth: —this year, or next year—

President Fanello: Uh-huh.

Brad Ellsworth: –on this building.

President Fanello: I mean, their–

Commissioner Mourdock: Could or could not?

Brad Ellsworth: They didn't mention or say that they could not do this before 2005, or 2000, they acted like, when we were ready, they could do that.

Commissioner Mourdock: Okay.

Brad Ellsworth: Like I said, the fact that it's signed by Ohlemiller, and courtesied to the director, Evelyn Turner, I don't know, I think it's a pretty bold statement.

President Fanello: I think it is. It's encouraging. I just think we need to get the rest of these questions answered, and, hopefully, come to a decision.

Commissioner Mourdock: I would just make the request, so that we continue the discussion with all this, that the letter be copied, or circulated to the Judges, and also the community corrections board.

President Fanello: Okay.

Brad Ellsworth: Sure.

President Fanello: Are you going to take care of that, Sheriff?

Brad Ellsworth: I can do that.

President Fanello: Okay.

Brad Ellsworth: I didn't write on this one too much. No, I'll take care of that. Be glad to.

President Fanello: And, Sheriff, do you want to work on setting up the next meeting, or something?

Brad Ellsworth: Yes, I would be glad to.

President Fanello: And maybe let me know when that is, and then I can have Patty get with the other two Commissioners and get their questions.

Brad Ellsworth: You didn't get enough of prison the last time?

President Fanello: Maybe we can do it somewhere else beside the prison next time.

Commissioner Mourdock: You didn't like the prison?

President Fanello: No, and I didn't eat the pastries either.

Brad Ellsworth: I did. I'm used to it.

President Fanello: I didn't have anything to eat. Okay, other Old Business, I received–

Commissioner Mourdock: Excuse me, before we go to another one. Just general information, Brad, are there any other regional community corrections places that have already been built?

Brad Ellsworth: That are already doing this in the region?

Commissioner Mourdock: Yeah.

Brad Ellsworth: I'm not sure, Commissioner.

Commissioner Mourdock: Okay.

Brad Ellsworth: I don't know.

President Fanello: I don't think there are.

Commissioner Mourdock: Yeah, I doubt it too.

President Fanello: I'm not familiar with any if there are. The other, I had a couple of Old Business items. Knight Township Volunteer Fire Department, I don't know if they copied the other Commissioners in on the letter, but I received a letter today that said that they were aware that the Sheriff was surplus some older vehicles, and wanted to know if we would be willing to donate one of those surplus vehicles to the Knight Township Fire Department.

Commissioner Mosby: Are they any good?

Brad Ellsworth: They're not great.

President Fanello: Kevin Davidson, the Captain, is the one who sent the letter. Have you had any kind of conversation with him? Did he call you guys at all?

Eric Williams: Yeah, Captain, whatever his last name is—

President Fanello: Davidson.

Eric Williams: —from Knight Township contacted me, and I told him that he didn't want them.

President Fanello: Okay.

Eric Williams: He said, well, we do if we can get one of them. I said, well, that would be a call for the Commission to make, based on when we surplus them.

Commissioner Mourdock: Are they looking to use them for like emergency training?

Eric Williams: Short of using them for like extrication practice, I don't know what good they are going to be. But, they said they could use them so.

Commissioner Mourdock: Well, I'll have, I'll make the motion that we go ahead and donate them, if they still want them after talking to—

President Fanello: Yeah.

Eric Williams: We'll probably be ready, yeah, this letter came after I spoke to him. We probably won't be ready to surplus any of this year's vehicles for another 30 days or so.

President Fanello: Okay.

Commissioner Mourdock: When we do, let's just make sure we get a hold harmless clause.

Commissioner Mosby: That's what I was getting ready to say, I don't want any liability after they get these vehicles, but I'll second the motion. Give them one of them, if they are that bad a shape.

President Fanello: Okay. So ordered. The only other item was since we were speaking about health insurance earlier, the County Council, I had spoken with Lloyd Winnecke earlier this year, and thought that we were all going to get together to discuss the health insurance budget, but there was never a meeting set up, and I'm not even sure what the health insurance budget is for next year. So, I was hoping maybe the Auditor could forward us the information, because we don't have any numbers, and since we sign the contracts, I think it's kind of good if we know what numbers are going to be in there for next year, and maybe how they arrived at those numbers. Just for our planning purposes. Other than that, that's all the Old Business I had. Did anybody else have any Old Business?

<b>New Business</b>
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President Fanello: New Business. New Business, Commissioner Mosby? Any New Business? Oh, I did have one more piece of Old Business. I have a draft of the, and it is labeled draft. The capital improvement plan, and, obviously, it's subject to change based on our appropriations we asked for in Council this month for road projects. So, there is one here for the County Engineer, County Highway, Burdette Park, and the Old Courthouse. So, I'll just leave those with each of you.

Commissioner Mourdock: What font is that?

President Fanello: It is very small.

Commissioner Mourdock: It's got to be six, yeah.

President Fanello: Ten.

Commissioner Mourdock: You must have got that out of Kevin's software.

Madelyn Grayson: Catherine, do you have an extra one of those?

President Fanello: Yes, I do. Anybody have any questions, so far?

Commissioner Mosby: I mean, are we going to vote on this?

President Fanello: No. I just kind of wanted to hand out a draft. I really don't think we can take a final vote on it, first of all, after we see what appropriations are approved at Council this month for the road projects we asked for. Because that will change the County Engineer's capital improvement plan, depending on what those

decisions are. Second, we can't really approve a final one until after the actual budget is approved, because we don't really know what, obviously, they are going to approve, until they approve it.

Commissioner Mosby: I guess, when I said are we going to vote on this, I was referring more to, I mean, we are giving this our stamp of approval—

President Fanello: Ah.

Commissioner Mosby: —and asking them—

President Fanello: Asking the Council.

Commissioner Mosby: —to approve what's in here—

President Fanello: I think that would be a good idea.

Commissioner Mosby: —as a body as a whole, I mean.

President Fanello: I think that would be a good idea.

Commissioner Mosby: Because I know there are some things in here that I've been real interested in, as far as the County Garage, and Courthouse, and Burdette Park improvements. Because it looks to me...pardon me?

Commissioner Mourdock: I was just going to say, so, would you like to schedule that for next week? Since we are just now getting this.

Commissioner Mosby: Yeah, we could do that next week. Because, I mean, I've spent a lot of time at Burdette recently, and out at the garage. Or some time with Reggie at the garage, and talked to him, and, of course, the Courthouse we know what it needs, and I'm real interested in seeing that we put some money into Burdette Park. Something that's been totally neglected, I guess, for the last five or six years. I mean, I had Tammy run some numbers for me from Burdette Park, and outside of putting the million and a half in 2001, 2002 out of CCD, Council has only funded approximately, I'll say, \$150,000 in five years at Burdette Park. There is some major stuff that is going to have to happen at the park. If you look at 2003, the pools need a new liner in them. They were leaking earlier this year. We had to go in, and I know Gary is here, they had some major leaks in the pool. I guess, this year when we first started, you know, so, that's a...the lake out there needs dredging. We know that's in very bad shape. We need some updates at the campground. I know I went through that with Steve a couple of times, and we've had to have Mounts Electric out there, I guess, already through the Summer—

Gary Hohman: Yes, sir. Our campground almost needs to be totally rewired to be brought up to code.

Commissioner Mosby: Yeah, and I will, I guess, you brought these and laid them on my desk?

Gary Hohman: Yes, sir.

Commissioner Mosby: I had asked Gary for some comparisons, because it wasn't broke down last year, or last week in the budget, on the campground. You'll see

some numbers that Gary has given me tonight. I mean, if you look at just 2001, 2002, January through June, the campground's up \$8,000. I mean, we've went from \$14,000 to \$22,000 already the first six months of this year. I compliment Gary and Steve, and the campground directors, Judy and Don Scheller—

Gary Hohman: Judy and Don Scheller.

Commissioner Mosby: —who have gotten very aggressive at the campground. We have threw in some incentives through the pool and the putt putt, which I think has attracted some people, and brought some return business. The other thing I think we need to think about is the state has just upped all their fees. If you noticed, I think, recently in the paper they are going to \$30 a day for full hook up, which, I think, we're at \$12? Or what are we for full hook up?

Gary Hohman: Right off hand, sir, I would be afraid to quote you anything.

Commissioner Mosby: But, I mean, that's what we—

Gary Hohman: But we are way below the other campground areas with our daily, weekly, and monthly rates with those in the general area.

Commissioner Mosby: But, I would say that we are probably going to be seeing some business from the state campgrounds, because I've talked to people that say I just flat won't pay that. You know we're a lot cheaper on full hook ups, and I guess temporary, or whatever. So, I mean, it's something that in this budget, and we've got \$190,000 in there for the campground. I mean, these are things, I think, if we're going to stay in the business, and we're going to run a park, and it's going to be a professional park, we are going to have to put some money into it. I mean, all this cannot be funded out of CCD. I know the Council is already wanting to fund the Old Courthouse out of CCD. I mean, it's obvious we cannot continue to fund everything. So, I would say, yeah, let's look at this. I think it's something we ought to give our stamp of approval to, and send it over to the Council. You'll see some of it's marked General Fund, some marked CCD, and some marked Visitor and Convention Bureau. So, and I would say if anybody's got any questions, go out and see Gary and Steve, or Reggie. I think I spent half of my day out there, what was it, Friday, with you? But, it's enjoyable. Go out to the park, it's definitely a treat (Inaudible. Talking over each other.)

Gary Hohman: And we had a real good lunch.

Commissioner Mosby: That's right. We had lunch at the concession stand.

Commissioner Mourdock: Gary? Gary?

Gary Hohman: Yes, sir.

Commissioner Mourdock: Why was the camping for February and March so minimal for this year? Not one single camper, for one single night in March?

Gary Hohman: To be honest with you, sir, I don't know the answer to that question other than my assumption was that her receipts might have been low that month, and she carried those over to the next monthly reporting period. Other than that, sir—

Commissioner Mourdock: It showed \$24 for the whole month of February, versus \$226 from the year before, and zero for March, versus \$1,500.

Gary Hohman: The campground was, basically, empty up until that first or second month of this year. I don't know whether the ruling that had been made a year or so back was affecting the Wintertime camping—

Commissioner Mourdock: But that was made, that was in 2000, right? That was before you guys got here. So, we would still have 2001 that showed up. Okay, that's alright.

Commissioner Mosby: I would say one thing, I think we're the only campground that pays a campground manager part time that's got about a 24 hour a day service. So, I was amazed. I went out there July the 4<sup>th</sup>, and how many people actually walk over to her house. I mean, basically, they treat them the same any time of the day. I was out the night of the bicycle races, and they were working at midnight that night. So, they are very dedicated.

President Fanello: If anyone has any questions, or anything, or has any suggestions, maybe you could forward them on to Patty this week, Patty or Tammy, and we'll put this back on the agenda for next Monday. If there is no other New Business, we'll move on to department head reports. County Engineer.

Madelyn Grayson: May we make a tape change first?

President Fanello: Uh-huh.

Madelyn Grayson: Thank you.

**(Tape Changed)**

<b>County Engineer</b>
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John Stoll: On the basis of last week's discussion in regard to Mt. Pleasant, I've contacted Morley and Associates for a supplemental agreement for redesign of the project. They've submitted a price of \$19,500 for the redesign. Of that \$14,700 is for the design, and then \$4,800 is for rework of the right-of-way descriptions, and the appraisals. Based on the discussion last week, my understanding would be that everything you see cross hatched here in green would be deleted from the project. We would start the project on the east side of the Old State intersection. We would begin with two lanes, which is what I've shown in with the red lines, and then, roughly, at this point, in order to get a left turn lane into Big Hill Drive in Clear Creek Subdivision, we would begin tapering out, which is currently shown about station 12 on these plans, we would begin tapering out to the three lane section. We get to the full three lanes, roughly, at this point, which is in ballpark numbers, I assumed, about 150' east of the centerline, west of the centerline of the Big Hill Drive intersection. Then from this point on east, the project would remain as it's currently designed. So, if that's the correct assumption, then it's requested that the supplemental be approved. In talking to David Schmenke at Morley and Associates, he said that, he estimated that the redesign work would take about four to six weeks.

Commissioner Mosby: Now how far off the, excuse me, how far off the intersection, how many feet did you say you were going to taper down?

Commissioner Mourdock: You mean where it goes from three to two?

Commissioner Mosby: Yeah.

John Stoll: It would, basically, start, we would have a full three lane section for, roughly, 150' or so west of Big Hill Drive, and then at that point we would start the tapers back down to a two lane, and that's going to be, roughly, a 275' taper, given the speed limit out there. So, then we get back to two lanes, roughly, 300' east of the Old State intersection.

Commissioner Mourdock: I'm guessing, correct me if I'm wrong, but the reason you're doing it that way, is because it wouldn't make any sense, for instance, to bring it three lane to this point, because you are not adding any traffic, essentially, from back here. Why have the cost of additional pavement and everything further up.

John Stoll: Even more so, the biggest problem is if we had the three lanes on this side, but we were trying to get the through traffic back over on the existing pavement. They have kind of an abrupt shift through the intersection too. So, to try and prevent that, basically, it would be a, it's roughly a 10' shift over, just through the intersection. So—

Commissioner Mosby: It just seems like a long ways back, 300'.

John Stoll: You're talking about the two lane section being 300'?

Commissioner Mourdock: You're suggesting, David, it should be less than 300' from here to where it starts to taper?

Commissioner Mosby: Uh-huh.

John Stoll: These were ball park numbers. I mean, I was just assuming 150' of turn lane. The taper to go from two lanes to three lanes is, roughly, the speed limit times the width of the offset. Since we're going from three lanes, basically, it's six feet either side, so, we're, roughly, 270'. So, that's how that's calculated. It may not be exactly 300, but it's going to be in that ball park. There again, if, in the future, if the project was ever extended over to Darmstadt, we're looking at probably a maximum of 300' that would be widened through here to accommodate three lanes on further out. If that is what was chosen to do.

Commissioner Mosby: We're going to come off of 41 on to Mt. Pleasant, and we can't, of course, we can't do an upgrade at the intersection, so, we have to start on the other side of the tracks.

John Stoll: Right.

Commissioner Mosby: So, then how far from there to where we're going to start tapering back down? Do you know approximately what that is?

Commissioner Mourdock: 4/10 of a mile.

John Stoll: Up at 41 we're proposing three lanes, and then as we go across the bridge, we go back to two lanes, because there is no need for turn lanes anywhere through there since there is no developments, or no intersections anywhere in the vicinity of the bridge. So, we go back to two lanes, across the bridge, and then we

start picking up the turn lanes again at Northfield Drive in Copperfield Subdivision. So, it would remain three lanes from just west of the bridge, all the way to approximately 300' west of Old State, back in this area.

Commissioner Mourdock: And that's about, that's got to be about 3/10 of a mile.

John Stoll: I would say it's further than that, because the whole project is, roughly, 4,400', if I remember right. Of course, we are deleting a portion of it.

Commissioner Mourdock: Yeah, that's a pretty good stretch down hill, yeah.

John Stoll: It's roughly 4,000' from the railroad tracks to the Old State intersection. The majority of that would be the three lane section.

President Fanello: Any other questions?

Commissioner Mourdock: I think that is pursuant to the motion I heard David make, and, certainly, pursuant to what I was thinking we were doing. So, I will go ahead and move approval of that—

John Stoll: Supplemental.

Commissioner Mourdock: —supplemental agreement with Morley?

John Stoll: Morley.

Commissioner Mourdock: With Morley and Associates.

John Stoll: I did contact—

Commissioner Mosby: (Inaudible. Mike not on.) \$20,000 is too much?

Commissioner Mourdock: Pardon?

Commissioner Mosby: You don't feel like \$20,000 is too much? I guess, I didn't intend for it to cost that much. You know, to think that all they had to really do was just cut off part of the project. I mean, I wasn't looking for any real big redesigns.

John Stoll: I did talk to Morley's office today about that. They said in order to make these changes they will end up revising 14 different plan sheets, and they will also have to revise the cross sections, the quantities, and things like that. In talking to their office they said that they didn't put any fat in that estimate. They said that that was, basically, what their cost was going to be.

Commissioner Mosby: Did you make a motion?

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: I'll second it.

President Fanello: So ordered. Oh, okay.

John Stoll: It was on the second page.

Tammy McKinney: (Inaudible. Mike not on.)

John Stoll: All I have is faxed copies.

Commissioner Mourdock: Catherine, I just mistakenly picked up your pile. So, if it's in disarray or whatever.

John Stoll: Next, I've got a Notice to Bidders for the Elmridge Drive/Congress Avenue Drainage Improvement Project, and the cover sheet for that project. It's requested that the Notice to Bidders be approved for advertising. We would have a bid opening on August 12<sup>th</sup> for that project.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Do we all need to sign that?

President Fanello: Yeah.

John Stoll: Next, I would like to request that the bids for the Concrete Repair Project, which were received last week, be rejected. Concrete Pavers was the low bidder on that project, and they have submitted a letter regarding their bid. Basically, there was an error on their bid.

Commissioner Mourdock: So, are you saying we reject all bids? Or just the low bid?

John Stoll: I'm requesting rejecting all of them, because Concrete Pavers bid was \$47,662, and the next lowest was \$75,909. Given that there is such a discrepancy between the two, I would rather rebid, as opposed to go give the next lowest bidder almost \$30,000 more.

Commissioner Mourdock: But weren't the other two bidders very close to that \$79,000?

John Stoll: They were at \$92,000 and \$97,000.

Commissioner Mourdock: It was \$47,600, \$92,500, \$75,900, and \$97,000. Have you spoken to the other bidders, John?

John Stoll: No, I have not. I could show you the error that Concrete Pavers made.

Commissioner Mourdock: Did the second bidder make an error?

John Stoll: No, he did not.

President Fanello: Who was the second bidder.

Commissioner Mourdock: It's DD&O.

John Stoll: DD&O. Seeing such a discrepancy between \$47,000 and \$75,000, that's the only reason why I would just rather rebid, as opposed to going to the next lowest bidder.

President Fanello: What do you think, Kevin? Do you think we should—

Kevin Winternheimer: I have no problem with that. What he did is he transposed some of his numbers, but, unfortunately, when he made his extended total, he used the transposed number to make the extended total. I couldn't let him change both numbers. Do you see what I'm saying? To preserve the integrity of the bid process.

Commissioner Mourdock: Yeah, go ahead.

John Stoll: I was going to say, he also set up his unit price on the concrete item...he intended, well, his extended price comes out at \$109 a cubic yard, but you can see as he wrote his unit price, he put \$1.09 per cubic yard on two of the three. Then on the third one he has 1,09. So, there were errors on each of his itemized proposals.

Commissioner Mourdock: Well, I could tell by the look on their face last week when the bids were announced, he swallowed real, real hard when he saw his number versus the others. My concern isn't the fact that they would withdraw their bid. I think they have the right to do that. My concern, though, is that if we come back and bid this thing again, are we just penalizing, effectively, a good bid, which was the second place bid? Are we going to hear from the people who are the second place bidder, because we're, basically, giving these folks a second bite at the apple to go against what may have been a very fine bid in the second bid.

Commissioner Mosby: Is Concrete Pavers going to bid, rebid?

Commissioner Mourdock: I'm sure.

John Stoll: I'm assuming they will.

Commissioner Mourdock: See what I'm saying?

Commissioner Mosby: Well, you almost have to rebid, rather than just let Concrete Pavers come in at a price.

Commissioner Mourdock: Come in at price? What do you mean?

Commissioner Mosby: Well, if Concrete Pavers wants to submit another bid, you almost have to rebid it. I mean, and let everybody seal their bids.

Commissioner Mourdock: I agree, if the premise is if we're going to let Concrete Pavers take another bid. I mean, to me the question isn't do we let them have another shot at this? The question is what was the right and fair thing to do from the outset? I understand what your concern is with the overall spread of the bids. I guess, one could argue that with two bids closer to whatever it was, and I've moved my screen, but \$90,000, and the other one was at \$77,000, you know, are they going to come back and say they left something out? Or transposed numbers?

President Fanello: Uh-huh.

Kevin Winterheimer: Well, it's all (Inaudible. Mike not on.) They all get a second bite, not just Concrete Pavers. So, everybody's numbers are out there, and they all get a second shot at it.

Commissioner Mourdock: And that penalizes the second place bidder, in this case.

Commissioner Mosby: I'm going to go with the recommendation of the County Engineer, and say that we rebid it.

Commissioner Mourdock: Okay, well, for the purpose of a roll call vote, I'll make the motion then that we rebid.

Commissioner Mosby: Okay, I'll second.

President Fanello: Okay, and you want a roll call vote?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mourdock?

Commissioner Mourdock: I say no, because I don't think it's fair to the second place bidder.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye. Yes.

President Fanello: And I vote yes.

Madelyn Grayson: Commissioner Fanello, do you have the supplemental agreement for Morley and the Notice to Bidders? I didn't receive those.

President Fanello: I've got it right here. I was going to send it all down to you at one time. Commissioner Mourdock needs to sign that.

Commissioner Mourdock: Sign this, oh, okay.

John Stoll: Based on that vote, it's requested that the new Notice to Bidders be approved, so we can advertise that, and then take bids on this project, again, on August 12<sup>th</sup>.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The last item I've got is the Bridge Inspection Agreements. INDOT's finally completed their review. They've sent it back for signatures. It's requested the Commissioners sign this. We can forward it back to INDOT, and, hopefully, get this project started here soon.

President Fanello: Good.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

<b>County Highway</b>
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President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. I hope you all received my reports from last week. I've got two items that I would like to purchase, with your approval. I'll show them to you.

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

Reggie Haskins: Yes. The first one is a trailer that we need very desperately, because the one that we have to haul our paver and roller is in dire need of replacement. It's a safety hazard. We're having problems, actually, getting the paver up on it, because of the incline of the old trailer. This one is low boy. It's probably one of the cheapest prices you are going to get, as far as getting one of those trailers right there.

Commissioner Mosby: I think this is the one that Ralph had come—

Reggie Haskins: Right.

Commissioner Mosby: — before us a month or two ago, and asked us for \$40,000.

Reggie Haskins: Right, it was \$42,000.

Commissioner Mosby: Or \$42,000, now they've dropped the price to—

Reggie Haskins: \$32,000.

Commissioner Mosby: —\$32,000, because they want to get rid of it.

Commissioner Mourdock: We need to wait another month.

Commissioner Mosby: Well, the 2002 year, I guess, is going to switch over here, because they do that in mid-year, but I had went out and talked to Reggie the other day when he called me, and Dave Hudson was in the office, and, basically, I think, the trailer we got now is one of them lift deals where you drive up on it, and then it comes down. The trailer also only hauls one piece of equipment. So, they actually have to load the paver, take it to the job, unload it, come back, get the roller, load it, take it to the job. Anytime they move jobs, I mean, you have to haul them twice.

Reggie Haskins: Twice.

Commissioner Mosby: This trailer will haul both pieces of equipment at once. You put the paver on, and then the roller at the same time.

Commissioner Mourdock: And I don't recall, I don't know that you were here, Reggie, and you would know the answer, but when Ralph brought this up before, did we do anything as far as making sure we were soliciting prices from others, and, effectively, having a, if not a bid, at least, (Inaudible) look at prices.

President Fanello: I'm pretty sure we did.

Commissioner Mosby: That's what he was doing at that time--

Reggie Haskins: Time, yeah.

Commissioner Mosby: --I think, when we came across this deal. Well, I think he solicited prices, these people were low, I'm not sure. They called you, and they had a used piece of equipment, but they sold it before we could get back to them--

Reggie Haskins: They sold it.

Commissioner Mosby: --to say...but the used piece was only \$29,500, and they've come down to \$32,000 on a brand new one.

Commissioner Mourdock: But we're looking at two separate trailers here. I mean, you're looking to buy two trailers, or one?

Reggie Haskins: No, just one trailer.

Commissioner Mosby: One trailer.

Commissioner Mourdock: Oh, okay.

Commissioner Mosby: \$32,000.

Commissioner Mourdock: Okay, so, it's just the one at the bottom here, since there are two listed.

Commissioner Mosby: Yes.

Kevin Winternheimer: So, David, just for clarification, you're saying that this, they were at \$42,000, and now they've come down \$10,000? Is that what you're, or \$9,000, or something?

Commissioner Mosby: Isn't that what happened originally?

Reggie Haskins: Yeah.

Kevin Winternheimer: And they, the other prices, I assume, were all above the \$42,000 originally, when he got prices before?

Reggie Haskins: On those quotes, those are lower than the \$42,000 on all of them.

Commissioner Mourdock: Pardon, Reggie? I couldn't hear you.

Reggie Haskins: I said, those quotes right there are lower than \$42,000. Those three right there.

President Fanello: Yeah, 30, uh-huh.

Commissioner Mosby: \$37,700, and this one is \$37,500.

Kevin Winterheimer: So, you did get prices?

Commissioner Mosby: Yeah, he's got prices.

Commissioner Mourdock: And it was budgeted?

Commissioner Mosby: Pardon? Yes, there is enough money in the budget, because I asked Reggie to have them run the numbers. I would make a motion that we would accept this, and talk to them at Southeastern, and buy the trailer.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Reggie Haskins: Okay, the next item I had was three truck beds for three trucks that we have that are in dire need of them. Miller Trucking, by far, had the lowest bid as my shop foreman gave me. They were, we need to replace three truck beds for three trucks; truck 34,36, and 38. The tarps are damaged, the beds are shot. They are really bad. They are having a hard time pulling back to the paver, and off loading mix into the paver. So, Ralph was in the process of doing that before he resigned, to get three new truck beds for those trucks.

Commissioner Mosby: I mean, I guess, mechanically these trucks are—

Reggie Haskins: They run well. It's just the beds are bad.

Commissioner Mosby: What happens to the beds on them, Reggie? I mean, I'm going to ask you that.

Reggie Haskins: Well—

Commissioner Mosby: I didn't look at the beds.

Reggie Haskins: —you know, if you're hauling rip rap, certain type of items, you know, it bangs around, you know, it slowly deteriorates the bed. It's depending on what you're hauling. So, I guess, they're damaged to the point where we have to replace them.

Commissioner Mosby: How old are these trucks? What year are they?

Reggie Haskins: I think Hudson said they were like 13 years old.

Commissioner Mosby: So, they are approximately '89, '90 models? It's a lot cheaper than a new truck.

Commissioner Mourdock: Did you look at relining the beds?

Reggie Haskins: I don't think he looked into that. He was just looking at just replacing them, instead of relining.

President Fanello: Okay, do I have a motion here?

Commissioner Mosby: I mean, I guess, we could look at that.

Commissioner Mourdock: At? Look at?

Commissioner Mosby: Relining. I don't know.

Commissioner Mourdock: Yeah. They occasionally do reline them. Why don't you have them check that out.

Reggie Haskins: I will.

Commissioner Mosby: I mean—

Commissioner Mourdock: If the hydraulics and everything are otherwise okay, the only thing, and I understand what you're saying, the wear and tear on the beds, you can end up having a bunch of patches in them, if they've been patched five times already, then probably this is the best choice, but at least we can check and see.

Reggie Haskins: Okay. Thank you.

President Fanello: Check that out, and you can report back to us.

Reggie Haskins: Yes, maam.

President Fanello: Alright.

Commissioner Mosby: Thank you, Reggie.

Reggie Haskins: Alright, thank you.

President Fanello: Thank you, Reggie.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I'll be very brief. Mr. Faulkner showed up slightly after his item came up, and I talked to him, and he said that the \$200 will cover the cost of the sale. So, we will proceed with that. The other item I have is we need to schedule an Executive Session, if possible, for next Monday at 5:00. We need to continue with the discussions we were having at the previous meeting. I would like to add to that, besides pending litigation, the possible initiation of litigation, in case some lots or parcels come with, that where we haven't filed suit, but something may be happening on them. When you give notice a week out like this, sometimes it pays to include it. You can always exclude it later, but you can't include it after you give a notice. So, if you all are available, I would suggest 5:00 next Monday for initiation of litigation, and pending litigation.

Commissioner Mourdock: (Inaudible. Mike not on.)

Kevin Winternheimer: Yeah.

President Fanello: What about 4:45?

Commissioner Mourdock: I'll move the 4:45 scheduling next Monday night for an Executive Session for current and new litigation.

Kevin Winternheimer: Thank you.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: The only other item, and if it's appropriate to bring it up, I was just wondering if we made any progress on the updating of the code book. Whether we've gotten any prices, or anything like that? I didn't know.

President Fanello: Suzanne was supposed to...Suzanne?

Madelyn Grayson: No, I don't have any prices as of yet.

Suzanne Crouch: It's available on the Internet, Kevin, is that, what are you wanting?

Kevin Winternheimer: I was wanting a book that we could update as we pass ordinances. An actual book where somebody says I want to see the official city code, or county code, and you say, here it is. That way, I won't have to do all the, we won't have to do the advertisements, we just insert them in the code. There are different mechanisms, different publishing companies that provide you a mechanism to easily update it. I can download them on a disk, and then you can insert them in your computer, and just print out the pages, put them in your official copies, and it's officially there, and anybody that wants to get those copies can get copies of them.

Suzanne Crouch: Okay, let me--

Kevin Winternheimer: See what it would cost.

Suzanne Crouch: Okay.

Kevin Winternheimer: The electronic part is good, and not just attorneys, but even lay people, I think, sometimes they like to see the book. The book can be better organized by chapter and section and all that too. If that's feasible within the budget, and all that good stuff.

Suzanne Crouch: I'll check and get back with you.

President Fanello: And just a follow up question to that, I don't know how often the Internet is updated, but I noticed the last time I was on there I didn't see the Minority and Women Business ordinance on there, or the new travel policy on there. Okay. Then I don't know if there is any other--

Suzanne Crouch: Madelyn said that she has to have Charlene help her with that, because she hasn't been trained, but we'll get on that, and get that done.

President Fanello: Okay. Alright.

Kevin Winternheimer: I think, I've been through this with the city, and when you are looking at price, make sure you look at the ease of updating, because it should not have to be a tremendous burden for Madelyn, or whoever is doing it. You know, that maybe the cheapest is not necessarily the best program. There ought to be an easy way that I can download it onto a disk on Word, you can plug it into your computer, and you can print it out in the format you want it real easily. There just has to be a way to do that. That's all I have.

President Fanello: Thanks. Thank you, Kevin.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: The only thing I have is a late travel request from the Health Department, and I suggest that this be approved since it does come from their budget.

President Fanello: Okay.

Commissioner Mourdock: I move we add the travel request to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: Yes, Gary Hohman with Burdette Park. I have a letter that's requesting that the Commission grant authority for our Park Manager, Steven Craig, to be the initial contact person for the O'Day Discovery Lodge. This request is being made as part of our state permit application. The request is being made by the Indiana Department of Fire and Building Services. As it states, it's just designating Mr. Craig to be the initial contact person regarding the O'Day Discovery Lodge Project.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Gary Hohman: The other item that I have, I would like to clarify a statement that I made earlier to Mr. Mosby's comment. I did not wish to imply that the campground is not up to electrical code. It is up to electrical code, but with today's modern RV campers, with the electrical needs that they have, some of them are now requiring excess of 40 amp breakers just to run their camper. Some of our electrical capabilities are only 20 and 30 amp capabilities. It is putting a major crunch on the

load that they are requesting. I hope I did not disillusion anyone by making that statement that our campground was not up to electrical code.

Commissioner Mosby: I agree. I hope nobody misinterpreted that, because we are still open for business.

Gary Hohman: But that's all I have, unless you have some questions.

President Fanello: Thank you, Gary.

### SWCD & Ozone Officer's Report

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

Commissioner Mourdock: Isn't Tammy up?

President Fanello: She already did hers.

Commissioner Mosby: She did hers. We accepted the late travel.

Commissioner Mourdock: I'm sorry.

Commissioner Mosby: I will make the motion to accept Soil and Water and Ozone.

Commissioner Mourdock: Second.

President Fanello: So ordered.

### Consent Items

President Fanello: And on the Consent Items, I would just have one request. If we could hold the Form 144's, if that won't pose a problem, until next Monday, because I don't, I got them on my desk today. I was not in on Friday, or over the weekend, and did not see them until today. I don't think any of you have seen them either.

Commissioner Mosby: Hold what?

President Fanello: The Form 144's, a statement of salaries and wages that need to be passed by the Commissioners before the budget. So, I would like to hold those for one week.

Commissioner Mourdock: I'll move pulling the 144's from the Consent File.

Commissioner Mosby: I will second.

President Fanello: So ordered.

Commissioner Mourdock: With the one addition, and the one deletion, I will move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. If there's no other business, we will—

Commissioner Mosby: I make a motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered. We'll start Drainage in five minutes.

The meeting was adjourned at 7:08 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department                      Pigeon Assessor

**Employment Changes:**

Perry Assessor                      Legal Aid                      Recorder  
Sheriff Department                  Burdette Park                  County Clerk  
VCCC                                      County Highway

**Requests for Service:**

Superior Court                          Circuit Court

**Sheriff:**

Submit weekly Jail and Community Corrections Reports.  
Simplex Contract.  
Federal Equitable Sharing Agreement.  
Big City/County Seat Belt Enforcement Grant Application.

**County Clerk:** Submit monthly report for May 2002.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Dennis Woehler
Sherman Greer	Judy Weatherholt	Brad Ellsworth
Eric Williams	John Stoll	Reggie Haskins
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County  
Board of Commissioners  
July 29, 2002**

The Vanderburgh County Board of Commissioners met in session this 29<sup>th</sup> day of July, 2002 at 5:35 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, July 29<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of July 22, 2002 Commission Minutes**

President Fanello: Approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of the July 22<sup>nd</sup> Commission meeting.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of July 29, 2002 Executive Session Summary Minutes**

Commissioner Mourdock: I'll move approval of tonight's summary minutes from the Executive Session that began at 4:45, ended at 5:30, included the three Commissioners, the County Auditor, and the County Attorney, and dealt solely with, well, no with pending litigation and with real estate matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award of APA041-2002: Salt Bid**

President Fanello: First discussion item is County Attorney, public hearing considering resolution establishing Cumulative Courthouse Fund.

Commissioner Mosby: We skipped bids.

Commissioner Mourdock: You skipped Phil.

President Fanello: Oh, I didn't know we had one. It wasn't on here. Sorry, Phil, and you were sitting right there. I'm sorry.

Phil Lawrence: That's alright. The salt bids, I would like to recommend that we award those to North American Salt, which was formerly IMC for \$36.75. We have contacted and talked with them, they are providing us with a performance bond for 100%. They have removed their requirement of having us guarantee a quantity.

Commissioner Mourdock: And is that, that's not a delivered price, is it?

Phil Lawrence: Yes.

Commissioner Mourdock: Delivered to the—

Phil Lawrence: To both yards.

Commissioner Mourdock: Okay.

Phil Lawrence: The city yard, and the county yard.

Commissioner Mourdock: I'll move approval of the award to North American Salt.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Thank you, Phil.

<p style="text-align: center;"><b>Public Hearing Considering Resolution Establishing Cumulative Courthouse Fund</b></p>
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President Fanello: Now County Attorney.

Kevin Winterheimer: Yes, before you tonight is a resolution establishing a Cumulative Building Fund, to be known as the Courthouse Fund. If approved tonight, it is proposed that the rate be 0.1667 on each \$100 of taxable property in the county. This is the hearing on the proposed ordinance. The ordinance is for, to be used for the repair of the Courthouse, the Old Courthouse. That's a brief summary. I don't know what else you, what other questions you may have, but that is the rate. You may start it at any date. I talked to the Government Finance Office, at the state level, and you may start this with taxes for year 2002, and that's payable in 2003, and that's what is in the ordinance. That is it in a nutshell, unless you have any questions. At some point, we will have to ask if there is any public comment on it.

President Fanello: Is there anyone in the public wishing to address this issue? Anybody else on the board have any questions?

Commissioner Mosby: How much money will this raise?

President Fanello: Well, Suzanne and I had that discussion a couple of weeks ago. The code, this is the maximum amount you can raise, and I think it was, what? What did you say.

Suzanne Crouch: .1667 is the maximum, and that would generate about \$7.5 million, but, obviously, that isn't something that this body would consider doing. The body can request a certain levy to be set in, and then Council, if Council and Commissioners are in agreement to that levy, then the rate can be adjusted after the assessed valuation is certified. Because of reassessment, that will probably be after the first of the year.

President Fanello: Well, this ordinance doesn't set a rate in. It just follows the law, and says that up to a maximum. So, I think the Council, really, it should be within their—

Commissioner Mosby: I mean, I just wondered what that would raise, so, it would give me an idea.

Kevin Winternheimer: That figure was what?

Commissioner Mosby: That's \$7.5 million if you took the whole 16.67.

Suzanne Crouch: Which we couldn't collect anyway. That would far exceed our maximum levy.

Commissioner Mosby: Right.

Kevin Winternheimer: The rate, I put the maximum rate in there because you can come down. You can't go up.

Commissioner Mosby: Right.

Kevin Winternheimer: If we had put a lower amount, we can never consider going up for this year.

Suzanne Crouch: And that's typical for advertising.

Kevin Winternheimer: Right.

President Fanello: So, I don't have a specific rate in mind, and I think the Council has before them our funding request, so. I don't know if anybody on this board has a specific amount in mind.

Commissioner Mourdock: I don't know how we can have a, I mean, I realize this is kind of a chicken and egg thing—

President Fanello: Uh-huh.

Commissioner Mourdock: —we need a full plan as to what we want the Courthouse to be, to know what the full amount we need will be. Until you have that, I understand the reasoning for going to the full amount as requested here.

President Fanello: Any other questions?

Commissioner Mosby: I don't.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to accept the Resolution 07-02-003.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Kevin Winternheimer: There is a procedure whereby we must get this immediately up to the Government Finance Office. Somebody needs to do that.

President Fanello: Okay.

Kevin Winternheimer: And filled out with the adopted today, and, so forth, and so on. We need to do that right away.

President Fanello: Alright.

Madelyn Grayson: Kevin, is that something that I'll forward to the Commissioners office to do?

Kevin Winternheimer: I'm sorry?

Madelyn Grayson: Is that something that I will forward to the Commissioners office to do?

Kevin Winternheimer: Well, the certification is in that packet. I think your office actually has to do that, as I recall, and send. It was in that packet of stuff that you gave me. You need to send them, there's a certification of no objection, at this point, I believe, and there is also a procedure checklist. It's page 10 of that, the Government Finance Office prepares. It's a fill in the blank form. I think you can fill it out, and send them a copy of the proofs of publications. Have we gotten those back yet, showing when it was published?

Madelyn Grayson: I've--

Kevin Winternheimer: The advertisements.

Madelyn Grayson: Yes, I have those, but I don't have the other documents you are talking about.

Kevin Winternheimer: Okay, I can give it to you after the meeting.

President Fanello: Alright. I don't see any other items on the agenda.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board, at this time? Okay.

**Old Business**

President Fanello: Old Business. We have a Capital Improvement Plan, and we talked about that either last week, or a couple of weeks ago, about passing that on

this board to show support for the capital improvements. So, are there any questions?

Commissioner Mourdock: No, I looked it over, and more than a question, I think, by statute we have to act to pass it on. So, I would move approval.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered. I'll go ahead and have Patty print us up a clean copy, and pass that on to the Council. Is there any other Old Business?

Commissioner Mourdock: I guess we can take care of this under Old Business. The Criminal Justice Group met the other day, and as a result of that meeting, there was a consensus, at that group...let me pass a couple of these around. Yeah, that's the second page.

Commissioner Mosby: Oh.

Commissioner Mourdock: That worked out, right?

Commissioner Mosby: Second page.

Commissioner Mourdock: You got a second page? Yeah, okay. The Criminal Justice Group met, and there were a number of Judges present, two Councilman, myself, the Sheriff, Chief Deputy Williams, and there was a discussion there regarding the letter that, Catherine, you had brought back to the board last time, from DOC. Quite a wide ranging discussion. A lot of it dealt with not just the capital cost items, which that letter was referring to, or bricks and mortar items, but also about the overall operating costs. Through the discussion that took place, there was concern as to how we act with one voice that whatever time, when whomever meets with the DOC that they speak with the real backing of all the folks involved with this standing behind them. So, I volunteered to draft a resolution to start the process, and that's what you have before you. Key word on this is draft. It's my feeling, as you can tell from the last page, the way I would hope this process would work, this board would agree to some basic points, and I have as many as nine of them here. Although, we can make it more, or make it less. We agree to a set of basic points, and then we send it on to the, sign it, and send it on to the Council. If they don't agree to it, then they can change whatever numbers are under their venue and send it back to us. We'll go back and forth, perhaps, a time or two. Then the same thing would be required of Superior and Circuit courts, and also the Prosecutor, and ultimately, as the manager of the facility, the Sheriff. So, without reading all the whereas' into the record, and you will notice there are blanks on this for purpose of discussion, but I will read the last bit of whereas;

It is resolved by the Vanderburgh County Board of Commissioners, and accepted by the Common Council of Vanderburgh County, the Superior Court of Vanderburgh, the Circuit Court of Vanderburgh, the Prosecutor, and the Sheriff, that the following are agreed upon as the fundamental basis for further operation of a new Vanderburgh County Community Corrections facility, and operation providing that, and conditional upon:

Item number one would be that the said new facility shall not house more than a certain number of Vanderburgh County inmates. Number two would be that the new facility shall house not less than a certain number of women inmates. Number three that the said new facility shall house not more than a total number of inmates adjudicated from other counties, and that said inmates from other counties be allocated as so many males, and so many females. And number four, I agree, or I've written what the state has already agreed to, which is they would pay 50% of such construction costs. Item five, that the new facility that we would be compensated, since the state wants to make sure it's somewhat of a regional facility, and put people in from surrounding counties, my idea was that they have a pay per day for each bed that's dedicated, whether it's being used or not. Item six, that we would only have as many as three persons assigned to a new facility who are from the Community Transition Program. Item seven, that the current make up of the Community Corrections Advisory Board be maintained for the new facility. Item eight, that, and this, I'm sure, is the key one the Council will look at, the said new facility shall be funded by participating inmates, the General Fund of Vanderburgh County, and the Department of Corrections of the State of Indiana on a fixed percentage basis. Then, number nine, that we would agree that, at least, for five years the items one through eight would be the principals upon which we work. So, having said all that, and I know you're seeing it for the first time, but do you have any thoughts, as far as filling in some of the blanks that we would be responsible for? Or others that should be added? Or do you feel any of those should be deleted?

Commissioner Mosby: I'm not sure why we're starting here? That's my biggest question.

Commissioner Mourdock: Okay. My opinion is we need to start somewhere.

Commissioner Mosby: Well, okay, we went, last year, I mean, I'll look back at the whole year when we was advocating a new facility in front of a County Council, and they point blank were stuck on \$35 million, and weren't budging. Now, you're coming back here and saying we need to start all over again, and then go back over there, and have them tell us we're not spending any money. Why don't you take it over there, let them say what they want to spend, what they're agreeable to, then we'll come up with a number.

Commissioner Mourdock: That is--

Commissioner Mosby: You're wanting to start here again. We've already been here.

Commissioner Mourdock: Well, I'm suggesting we start here with the numbers that we feel we can fill in, and then some of these blanks, obviously, are for them to fill in, more than us. You know, if we say, and I'll just pick numbers here. If we say a new facility, line one is filled in with 150 people, and they look at their budget, and say, no, the most we can do for dollars, and I'll make up a number is \$2 million, no, let me say less than that, a million dollars, then instead of having the number we chose, it will come back to us, and we may have to reduce that number. It's give and take.

Commissioner Mosby: It's not...I mean, if I was going to put something on here, it would be the same thing I agreed to last year when we went over and asked for 650, 300, and I forget what we asking for in juvenile.

President Fanello: 24.

Commissioner Mosby: 24. Now, as far as me saying how much we're going to spend, I'm not the one estimating what it's going to cost. I don't know what it's going to cost to build 300 beds. Same as I didn't know last year. But, I mean, if you want my answer, yeah, go over and tell them I agree we need to build community corrections, 300 beds, tell me what it costs? I mean, we've been through it.

Commissioner Mourdock: And it didn't work very well.

Commissioner Mosby: It didn't work that time, because we went over there and proposed it. Let's try this time, let them propose something to us, and we'll look at it.

Commissioner Mourdock: Catherine?

President Fanello: I think, I mean, these are all very valid questions. I think this is a great starting point, but, I do, I would like to send it in kind of a letter form to the Council, and say, you know, because those are all the questions that we asked them last year. You know, what are you willing to fund? It really rests on the County Council. I think we can sit here tonight...I'm willing to start help filling in the blanks—

Commissioner Mourdock: As am I.

President Fanello: —but it's really going to do me no good, because I wasted 12 months last year. You know, there were plenty of discussions that took place, you know, where we all tried to come back, and compromise, and everything. So, I would really like to have a commitment from the Council and the Judges.

Commissioner Mourdock: That's what's this (Inaudible. Talking over each other.)

President Fanello: Yeah, that's what this is, but, I think, let's send them a letter, and say, you start filling in the blanks. Then we bring it back here, and sort through what they are willing to do, and we come up with a final resolution right here.

Commissioner Mourdock: Well, obviously, the two of you are the majority. I would state from a, almost a business type practice, which isn't always applicable to government, I'm the first to say, but, when you start the ball rolling, you generally, the person who starts it generally has more control. I think if we gave this to the Judges with no blanks filled in—

President Fanello: Uh-huh.

Commissioner Mourdock: —I think they would come back to say, we have currently 205 beds at community correction, I think they would come back and say, maybe, 300.

President Fanello: Uh-huh.

Commissioner Mourdock: It seems to me, if we start it by saying, again, I'll pick a number, 150, we start the negotiations on our side of the ledger instead of theirs. We don't look so much like—

President Fanello: Uh-huh.

Commissioner Mourdock: –the adversary, at least for somebody who’s trying to do some work.

President Fanello: Well, I mean, even instead of sending it to the Judges, at this point, let’s just get one commitment, let’s just get a consensus from the Council, and then we work around their consensus. Because I think we’re going to waste a lot of time going back and forth if we sit here and fill in all the blanks, and then they come back and say, nope, not going to do that. Because, I mean, they have to look at their budget constraints, and they know what they can do, and they are looking at budgets for 2003, and they know what they are going to be willing to fund, and what they can’t fund. I just want them to tell me how much are they willing to put towards bricks and mortar? Then are they willing to put in any operating costs at all? Or are they expecting whatever number of beds that they are wanting to come up with, are they expecting DOC to fund all of the operating costs? I need to know what some of their expectations are. I think we can do this jointly, you know, together–

Commissioner Mourdock: Uh-huh.

President Fanello: –but, I would hate to sit here, and go through and fill in all the blanks tonight, without at least getting some kind of dialogue with them first.

Commissioner Mourdock: I’m not suggesting that we fill in blank number eight, for example.

President Fanello: Okay.

Commissioner Mourdock: That’s clearly theirs to fill in.

President Fanello: Uh-huh.

Commissioner Mourdock: But, I do think that some direction, since this thing contractually comes under us, I think, it would be wise for us to fill in, certainly, one through five.

President Fanello: Uh-huh. I mean, I’m willing to–

Commissioner Mourdock: Does that mean that, for instance, if we say number of county inmates is 125–

President Fanello: Uh-huh.

Commissioner Mourdock: –does that mean the Judges are going to accept it? No. Does that mean it’s a final answer? No.

President Fanello: No.

Commissioner Mourdock: Because it all depends on what the Council does, as well, as what we do.

President Fanello: Well, I mean, as far as number of beds, I can tell you I’m at least going to go with the amount recommended by the PMSI study, which I think was up to 250 beds maximum. So, that’s the number I’m going to stay around, between 250 and 300. I mean, if we can get money from DOC, I would rather us, see us have an

adequate number of community corrections beds, than to fill up our new jail, because we are, obviously, not building enough jail beds.

Commissioner Mourdock: And that was part of the discussion the other day, not surprisingly, that the smaller we make community corrections, the larger the jail needs to be. Unless, and this Dr. Latrusa?

Eric Williams: Latessa.

President Fanello: Latessa.

Commissioner Mourdock: Latessa, is coming in, I mean, he's going to tell, I suspect, that we need more reliance on day reporting, and that type of system. Whether or not the courts will go with that...and I kind of struggled with that, whether or not I should include something in here, one of these items, regarding day reporting. Quite honestly, I didn't know how to word it, but we might look to the Judges for some commitment on their part on that, as well.

President Fanello: I mean, I can, between 250 and 300 is where I'm looking. So, I mean, I'm willing to take a vote on that tonight if that's....what are your thoughts on?

Commissioner Mourdock: I think that's more than what we need. Personally, and there was some question the other day, and I'm still not quite sure what the answer is. When I was here last week, and when I read the letter, the letter seemed to say to me that the court, or that the DOC was saying 125 beds. When Brad presented it the other day, he said it was 125 beds for local folks—

President Fanello: Uh-huh.

Commissioner Mourdock: —plus 25 beds for the—

President Fanello: Females.

Commissioner Mourdock: —females, plus up to ten beds for—

President Fanello: Community Transition.

Commissioner Mourdock: —yeah, Community Transition, which doesn't seem to me to leave any room for the people from this region that he was otherwise looking for. So—

President Fanello: Well, maybe we ought to start high with everyone, and then work our way down, if we need to.

Commissioner Mourdock: You'll have a hard time working down with the Judges, if you start with that big a number.

President Fanello: But, I mean, I guess, that's where I'm confused. I wasn't at the meeting last Thursday. I mean, you were there. I mean, I'm hearing conflicting conversations, I think, because, at one point in time, I heard, you know, some of the County Councilmen, you know, they didn't want a high number of beds. They wanted a low number of beds. I'm still unclear as to the discussion that took place last Thursday. It seemed like they were kind of all across the board on the discussion of bed count. So, I don't even know if there was any kind of one—

Commissioner Mourdock: That's true. I would say about 3/4 of the people in the room were saying, in one of two ways, 125 beds isn't enough, or they were saying how dare the state tell us how many beds are needed.

President Fanello: Uh-huh. Uh-huh.

Commissioner Mourdock: Then there might have been a 1/4 that were looking more at the operating side. Maybe fewer than that. We thought that was too many.

President Fanello: I mean, we do have the, I think, the largest community corrections facility in the state.

Commissioner Mourdock: Uh-huh.

President Fanello: Of course, I mean, you could look at the flip side of that, and, maybe, we're doing something better than other parts of the state, because I think Marion County's got some empty prisons sitting there, and they keep, you know, building these things they can't even operate. So, maybe we're doing something right by having a bigger work release program. I mean, you could look at it that way also, because we are keeping them out of jail.

Commissioner Mourdock: Just to get the ball rolling, because I think it does need to be rolling, you said 200 to 250—

President Fanello: 250 to 300.

Commissioner Mourdock: Oh, I'm sorry.

President Fanello: I mean, I know the PMSI was, at least, 250, and, so, I'm not, don't really want to go less than that.

Commissioner Mourdock: Okay, I will, for purposes of discussion, to get this thing started, say 250. I'll agree to 250.

President Fanello: Do you want to stay at 300? Can we, how, I was going to say, how about if we, can we just offer a range there between 250 and 300.

Commissioner Mourdock: We can do anything we want to do. It will start discussion.

President Fanello: Why don't we put a range.

Commissioner Mosby: I'll agree to 250. It don't matter.

President Fanello: Okay. Well, we're all in agreement on 250. We'll put 250 on there. It said new facility shall house not less than some number of women inmates. What my thinking on that was, and I don't expect Eric has that number off the top of his head, but to ask the Sheriff Department, as far as what the range is right now, and then based on some percentage adjust the 250.

President Fanello: Yeah, I don't know that I can answer that question.

Commissioner Mourdock: How about the other counties thing? Item number three?

President Fanello: I think there needs to be discussion with the other counties first. I don't think that, you know, I think we need to know what they're thinking. I know that Posey County is interested, Gibson County is interested, and Warrick County may be interested. I would like to get an idea from those counties.

Commissioner Mourdock: Let me describe something, and, Eric, you were there. If I say this incorrectly, let me know. Again, last week at this meeting, I understood people from other counties, being offenders from Posey County who committed an offense in Posey County, and then they needed some place to go, so they would send them here. What I heard said the other day in that meeting though, is that most of the people that they would be looking at more regionally, would be people from Vanderburgh County, who live in Vanderburgh County, who commit something in Posey County, are adjudicated in Posey County, and then because they live here, they would be sent back.

President Fanello: I didn't understand it that way, but maybe I'm wrong.

Commissioner Mourdock: Well, that's what was, yeah, is that right, Eric? Am I saying that correctly? That that's what they view as regional?

Eric Williams: Well, I think, what they say when they say regional, they mean inmates from other counties. But, the one's they generally look to place here, because there would be of no value to them to place one of their residents that works in their county in another county, but, what they look at is, a lot of times the requests we have right now for out-of-county placement are generally people that are either Vanderburgh County residents who committed crimes somewhere else in the state, and are adjudicated there, and/or they aren't residents here, but they have a primary employment here. They work for one of the factories here, and their employer is here. To get them closer to their place of employment, or their residence. That's generally the out-of-county placement requests we see right now. It's very rarely just because there is a bed available.

Commissioner Mourdock: How many out-of-county people do you think we have now, under that description?

Eric Williams: It generally ranges from a couple to maybe eight or nine. Not very many, because we generally try to keep it reserved, because we are not under an agreement for regional beds right now, but, generally out of pat your back, pat my back for our Judges, we a lot of times we get a request from a surrounding county, and if there is a bed available, we'll go on and let them place somebody in it.

Commissioner Mourdock: How about this, as well as a number here, we need to define that issue. Maybe even define it in this agreement, that this is what we mean by regional.

President Fanello: Uh-huh, but, I think, before we can get some of these blanks filled in, I still think it would be a good idea to send the Council a letter, and just have them report back to us, you know, their vote on what their, I mean, maybe send them the same questions. Maybe we don't have to fill in all the questions before we send it to them. Let's send them the questions, and ask them to fill in some of the questions.

Commissioner Mourdock: Alright, then I'll move—

President Fanello: Then maybe we come back here, and make a resolution.

Commissioner Mourdock: Okay, I'll move that we send a draft of this to Council, and ask them for their input, and also move that we send a copy to the Judges for their input, and the Sheriff, and the Prosecutor.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>New Business</b>
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President Fanello: Is there any New Business that anybody has?

Suzanne Crouch: I have just one little budget information. I've got some good news, and I've got some bad news. I don't know which you want first. Or do you want me to give you the good news, and Council the bad news?

President Fanello: Give us the bad news first. What's the bad news?

Suzanne Crouch: The good news is, being an optimist, the good news is the House Enrolled Act 1011 provided for some additional funding for Highway Departments, Motor Vehicle Highway Distribution, and that will result in an additional \$280,000 for the Highway Department in Vanderburgh County next year. So, that's the good news. The bad news is that we received a memo from the State Budget Agency indicating that the state fiscal year ending 6/30, the revenue, the individual income tax collections, had declined by 6.3%. That is followed, that is state wide, that has followed two other previous years of flat income tax collections. That has resulted in a significant disparity between their certified distribution of COIT, and their forecasted collections. So, as a result, the state is reducing the certified distributions to the COIT counties for 2003. That is for next year. That will result in a loss of a million dollars in COIT to Vanderburgh County. Now, what we're concerned about is a couple of things. First of all, the State Budget Agency, if you recall, gave us a special distribution this year, because they said our account balance had a surplus in it. Yet they are turning around in this year saying that now there is going to be a shortfall in our account balance at the end of the year. Therefore, they have to short not only our county, but other counties for next year, and probably for ensuing years. That concerns us, and we have asked the State Budget Agency to look at what has been withheld in the counties, at least, specifically, in Vanderburgh County, and we want to know if the percentage of what's been withheld and what has actually been collected has been increasing. If that is true, then the state has indicated that they perhaps need to get a little more aggressive in their collections. So, we're waiting to hear a response back on that, but it's nothing unique to Vanderburgh County. This is being, unfortunately, experienced by 85 of the counties in the state.

President Fanello: What's the total amount of COIT we receive?

Suzanne Crouch: This, well, for Vanderburgh County unit, this year we had a little over \$13 million regular distribution. Then we had the \$3.8 million special distribution.

President Fanello: That was the windfall?

Suzanne Crouch: That was the windfall, because our account balance supposedly, well, was, had a surplus. They're telling us right now to look at 2002 levels, or 2001 levels, which was \$11.9 to Vanderburgh County. We will be getting additional information within probably a week or so. But, the Budget Director sent out the memo, and then left town till August 1<sup>st</sup>. So, we're communicating by e-mail, and as we get additional information, I will share it with the Commissioners.

President Fanello: Leave town on purpose? Is there any other questions, or New Business? Seeing none, we'll move on to Department Head Reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First I would like to request approval that a buying fee of \$900 be approved for parcel 39 on University Parkway. This parcel was the oil lease parcel. This was set up some time ago as parcel that we neglected to include a buying fee on it. The purchase has finally been completed, and this fee is consistent with what we paid on other parcels, so it's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I've got a request for an additional \$3,150 in work on the Evergreen Acres Drainage Project. When some asphalt milling was done out there, they were just planning on taking off about an inch and a half to two inches of asphalt. In doing so, they found that that was all there was, and we're down to rock. So, these areas need to have asphalt placed in them. So, Koberstein Trucking gave us a price of \$3,150 to do 90 square yards of this patching. It's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I've got a set of street plans for Section 7E of Keystone Subdivision. This section of Keystone is, comes off of Greenriver Road off Hightower Drive, basically, it's go up the hill. This was at Drainage Board a couple of weeks ago. Pigeon Creek is right over here to the south. Reviewed the drainage, the street plans, and would request that they be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: Is there a sidewalk waiver that goes with that?

John Stoll: They didn't request a sidewalk waiver. I don't know if they plan to or not, but if they do, I'll bring that back at a later meeting. Next I would like to request approval to have our consultant proceed with making offers on several parcels on the Mt. Pleasant Project. The parcel numbers, the property owners name, and the amounts are the following; parcel 12, Dentino, \$6,175; parcel 15, Deerfield Homeowners Association, \$10,100; parcel 16, Daugul, \$2,950; parcel 17, Mc Camish and Hyatt, \$2,225; parcel 18, Deerfield Homeowners Association, \$4,700; parcel 19, Weightman, \$2,635; parcel 20, Whitmer, \$7,800; parcel 21, Sturchi, \$425; parcel 22, Smith, \$11,125; parcel 23, \$3,000, it's Sturchi, again; parcel 24, Barnett, \$1,650; parcel 25, Mc Camish, \$5,225; parcel 26, Mc Camish, \$6,025; parcel 27, Walker, \$1,850; parcel 28, Dockery, 1,000; parcel 29, Kelly, \$17,225; parcel 30, Bawel and Schwenk, \$4,900; parcel 32, SIGECO, \$1,300; and parcel 33, \$1,125. These all amount, all of these amounts are based on the appraisals that we had done. All of these parcels are east of the areas that will be redesigned. I've talked to Morley and Associates. They say the buyer's ready to go. So, while Morley is in the process of redesigning, we can begin the process of acquiring the right-of-way.

Commissioner Mourdock: I'll move that we proceed.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to hire appraisers for the Lyle Road Project. We have five parcels on that, and, if you approve of us proceeding with getting appraisers, I'll contact some appraisers, and get some prices, and come back next week.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's all I've got. Oh, did you want to discuss, I forgot about that, the pipes in the backyard?

Commissioner Mosby: Yeah, we probably need to.

John Stoll: We've got one property owner, his name is Ken Schenk, who lives out off of Aspen Drive. This is east of Oakhill, north of Lynch. He's got some storm drainage pipes in his backyard, and the county's past policy has been that we don't work off of right-of-way unless the \$2 a foot maintenance fee has been paid in a subdivision. Since this subdivision is old, the maintenance fee was never paid, and really no specific maintenance provisions were really ever established for that. So, in past practice, the county has always had a hands off policy, and it's off right-of-way, we wouldn't do the work. Mr. Schenk has contacted me several times about this pipe, and I've explained that our past practice has been that we don't do this kind of work. It's the property owner's responsibility. He feels that since the pipes take storm water runoff from county maintained streets, that the county has some obligation to fix the, basically, sink hole in his backyard. We think it's, basically, a separated pipe. I've told him unless, unless I'm directed otherwise, basically, that the policy would be that we wouldn't do the work. That's why I'm bringing it up here.

Unless you want to undertake things like that. I didn't know where to go as far as giving Mr. Schenk an answer.

Commissioner Mourdock: For fear that we would otherwise open Pandora's drainage pipe by getting involved with water running off roads, I would move that we keep with this policy.

Commissioner Mosby: I've got a question. This is a curbed inlet coming off the street. The pipe runs through this guy's yard. Now, if this guy goes out and fills this in, what are we going to do with the water?

Commissioner Mourdock: Under that basis, he would be subject to the things we deal with at the Drainage Board. He would receive a petition from the County Commission on behalf of Vanderburgh County that he's illegally plugged a drainage way. Is that not your interpretation, Kevin?

John Stoll: I would say so, as long as that was Kevin's.

Kevin Winternheimer: Sounds like it, just off the top of my head.

John Stoll: It would be just obstruction of a drainage way.

Kevin Winternheimer: This was (Extreme microphone interference) Sorry about that.

Commissioner Mosby: I guess, my thought is here, you know, we have got dirt pouring into a sewer. I mean, I'm not saying he's going to put it in there, it's already leaking. It's going in there right now. I mean, eventually, at some point, the more you fill the sink hole, the pipe has to become clogged. Are we saying that it's the homeowner's responsibility? That if they've got storm sewers running through their yard, that they've got to start fixing them?

Kevin Winternheimer: This was an item put in by the developer I assume?

John Stoll: I would assume. The subdivision has been out there for many, many years. I'm not sure exactly when it was developed, but it is an older subdivision.

Kevin Winternheimer: I'm not saying you can't, David. It's you who determines your policy. What you want to do.

Commissioner Mosby: The only thing I'm saying, you know, is if we get into this practice, and we don't fix any of them. Do we understand that we are going to put water in the street that is never going to go away? I guess, that's what bothers me. I mean, somebody is going to have to be responsible here. Whether we want to be or not, whether we want to open Pandora's box, you know, I mean, right now there's a hole there, and it's going to keep filling in, and eventually it's gotta clog the sewer. Now, who's going to go out and spend the money, as we do once a month, when we get enough of these to get a jet vac, and flush these sewers, and it costs us, what an hour? 200 an hour? I mean, we're spending \$200 an hour to flush sewers. You could probably go out and fix it for \$150 or \$200. I guess, that's the question I've got. I just want somebody to tell me which route we're going.

Commissioner Mourdock: Well, I think you heard the County Engineer say what the long standing practice has been. Regarding the jet rods, and cleaning out the pipes, and all that, I would hope that no county employee would work off county right-of-

way to do such things, because, clearly, that's not the purpose of county employees, or county equipment. Again, if they plug a drainage way, which has been there long standing, built as Kevin indicated a moment ago, by a developer, all be it some time ago, it's still on their property. I think you do open Pandora's box to start doing work on...you know, everybody who has water that runs off a county highway, if we change this precedent, can come in here and say, well, what about this water? What about, and it's not just a drainage pipe, now, it's just water running across my property. I mean, it seems to me the precedent on this one was set for good reason, and I don't know when it was set, but it was set long before eight years ago, because it's been there ever since I got here. So, I don't think we need to change it.

Commissioner Mosby: I understand your precedent. I guess, the fact that, you know, this guy did not go out, and, you know, dig up the ground, and separate this drainage pipe or break it, you know, at his will, I mean, it's just something that has happened. I'm sure, somewhere this was probably, I don't know if it was ever set up as a storm drainage easement, storm-

John Stoll: Our easement-

Commissioner Mosby: -there's a storm pipe through the guy's yard, that there would be something, somewhere.

John Stoll: A lot of these older subdivisions, no provision was made for any maintenance, whether it was county maintenance, or property owner maintenance, it's just out there. As long as I've been here. I know it predates me, but the county's not fixed the things. Nowhere does it really say that it's the, specifically say it's the property owners, it's just that-

Commissioner Mosby: Who's gonna fix it?

Commissioner Mourdock: He is.

Commissioner Mosby: Who?

Commissioner Mourdock: If we don't fix it, he is, or it isn't going to get fixed.

Commissioner Mosby: Well, exactly, and who's gonna suffer? Everybody that lives on Aspen what Road?

John Stoll: Aspen, yes.

Commissioner Mosby: Aspen Drive?

Commissioner Mourdock: There is a motion on the floor.

Commissioner Mosby: I'm not seconding that.

Commissioner Mourdock: You get to make the decision, Catherine.

President Fanello: Well, thanks. Thanks a lot. I don't, I mean, sometimes these things need to be taken on a case by case basis, and this is the first time I've, I don't think you sent me an e-mail on this one, or I don't think I talked to you about this one. Was that another one we talked about, or was it this one?

John Stoll: I would have to look. I'm not sure. I know I've sent you a bunch of them. I can't remember if this was one of them or not.

President Fanello: I mean, I don't know. Just because things have always been done one way, doesn't mean they have to keep, we have to keep doing them that way. I keep sitting here every week thinking we're here to serve the public, and I hear a lot of times, no, I'm not going to do that, because we don't want to take liability for that. I'm not going to do that, or I'm not going to do that. I just think we're here to take care of everybody in the community. So, I mean, if we can take care of somebody, and help them, let's do it. I mean, maybe we need to come up with some kind of written policy, or ordinance, or something that addresses, maybe, some of the extenuating circumstances, but if it's as simple as going out, and, you know, cleaning it and helping him, then I think we ought to do it. So, I have to remember why I'm here, and I'm supposed to be here to serve the public, not myself.

Commissioner Mosby: I will make a motion that we send the County Engineer, and the Superintendent of the Garage out to look at this problem, and I will say we address it case by case. I'm not saying we go out, and start getting into swails and ditches that run across private property, but if we've got storm lines that are draining county streets, running through properties, then we need to get, probably, a written easement from that person, first, so, that we can go on their property as we do in other situations, when we have to lay storm pipe across private property. I would direct the County Engineer, and the County Highway Superintendent to go out and look at this problem, and assess it, and report back to us.

President Fanello: Report back to us.

Commissioner Mosby: We can do this case by case. You should have maps, I mean, or—

John Stoll: Yeah, we've got the subdivision plats.

Commissioner Mosby: What we need?

President Fanello: I'll—

Commissioner Mourdock: The end of that was that they report back to us?

Commissioner Mosby: Yes.

Commissioner Mourdock: I'll second that, if they report back.

President Fanello: So ordered.

John Stoll: Okay.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

County Highway

President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. I appreciate you all receiving my reports. I don't have any new business. I'm open for any questions.

President Fanello: Are there any questions by anyone?

Commissioner Mosby: Did you get a chance on, or did Dave Hudson, by chance get a price on what it would cost to reline them beds, rather than put new ones in?

Reggie Haskins: He's waiting on some people to call him back.

Commissioner Mosby: Okay.

Reggie Haskins: For those prices.

Commissioner Mourdock: Tammy, you had sent me an e-mail today, and then I sent you a question back on a person who had some complaint on was it Marx Road?

Tammy McKinney: Yeah.

Commissioner Mourdock: Had that person contacted the garage previously? Okay.

Tammy McKinney: I'm not sure who he spoke with at the garage.

Commissioner Mourdock: I don't have the note with me.

Reggie Haskins: Do you know the man's name?

Tammy McKinney: His name? No. The name.

Reggie Haskins: I know I got a call from a Tom Miller this morning about Hogue Road.

Tammy McKinney: No. I've got it, I've got it back in my office. I think, maybe, he talked to Mark.

Commissioner Mourdock: So, he had already spoken to the garage, and then he called back, and asked for me to give him a call?

Tammy McKinney: Uh-huh.

Commissioner Mourdock: Okay. I'll give him a call when I get back.

President Fanello: Did you have a chance, or I don't know if the request got to you or Mark Taylor, to look at the request that was given to us in Drainage Board last week on Sheridan and St. Joe. Did you get that one yet?

Reggie Haskins: No.

President Fanello: Okay, Mark—

Unidentified: (Inaudible. Not at mike.)

President Fanello: Okay. I guess, she forwarded the request on for me to the garage. So, she said Jean has the request. Are there any other questions for Reggie? Don't see anything.

Reggie Haskins: Thank you.

President Fanello: Thank you, Reggie.

<b>County Attorney</b>
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President Fanello: County Attorney.

Kevin Winternheimer: Yes. I'm afraid to turn on my mike, but I'll give it a try. Okay. I'm going to turn it back off. Real quickly, I'd request authority to appeal the Three I Properties law suit. We talked about that in Executive Session. It is my recommendation that we do appeal that. You all got a copy of the judgement in your packet. Unless you have any questions, that would be my recommendation. I would like formal authority to do that.

Commissioner Mourdock: I have just a procedural question.

Kevin Winternheimer: Sure.

Commissioner Mourdock: If we didn't appeal it, has the court, basically, just ordered this zoning, or would we have to act as a body to do something different?

Kevin Winternheimer: They ordered you to approve it. I would assume, I would have to reread it for that purpose, but I assume it would be to approve it as submitted at your zoning meeting when you turned it down. Do you see what I'm saying? They had commitments and all that. That would be part of it.

Commissioner Mourdock: So, we would have to ratify what the court did, in essence?

Kevin Winternheimer: You would, well, the court has ordered you to approve the zoning that was before you, whatever day it was.

Commissioner Mourdock: Right, yeah, okay. Well, like I say, that was procedural.

Kevin Winternheimer: Yeah. So, if I could get a motion.

Commissioner Mosby: I'll make a motion to appeal.

Commissioner Mourdock: And having voted for the zoning previously, I will pass.

President Fanello: And I will most definitely second the motion to appeal.

Kevin Winternheimer: Thank you. The only other thing, and unless you dealt with this in the meeting, and I missed it, the Health Department sent up a breastfeeding peer counselor contract. We haven't dealt with that have we?

President Fanello: No. It's on there.

Commissioner Mourdock: Previous years we have.

Kevin Winternheimer: I assume there's no one in the audience to address this. They want to hire a Ms. Jennifer James, pay her \$7.50 an hour to be a counselor for the WIC Program. I have no problem with the format of the contract. I do not know anything about the necessity of the service, but they (Inaudible).

Commissioner Mourdock: When one of those first came to me, I think, it was for the lump sum of \$2,000, and I thought if we, if government has to pay the mothers \$2,000, what will it cost to teach the infants? I will, well, it is actually in our Consent File.

President Fanello: It's in the Consents.

Commissioner Mourdock: Yeah, so, that's fine.

President Fanello: It will be approved when we approve the Consent Items.

Commissioner Mourdock: Didn't have that one in city government, huh, Kevin?

Kevin Winternheimer: Uh, no. I sold an elephant one time, and some other stuff. That's all I have.

President Fanello: Thank you, Kevin.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: I just wanted Kevin to be aware of all the different kinds of contracts. So, that's why I sent that to him. On your desks I put a late pink slip for the Consents, and then also a memo about leasing space at the Courthouse. In the past couple of weeks, it seems that everyone wants space at the Courthouse. So, I gave you a little memo about the potential increases of revenue that it could possibly bring for the Old Courthouse. I just need to know how to proceed with this.

Commissioner Mosby: It don't look like it's a bad thing.

Commissioner Mourdock: Are we sticking with the policy we previously adopted though, as far as telling the less, the potential lessee's what the term would be? Within that guideline that we set, whenever we set it?

Tammy McKinney: Yeah. Actually, I've been telling them a year to year.

Commissioner Mourdock: Okay.

Tammy McKinney: Just so, I'm not-

Commissioner Mosby: I had discussion with Tammy today, and told her she could put this on our desks. I'm more than willing to sign year to year contracts right now with any new tenants we could possibly put in there not knowing, you know, at this

point, when the (Inaudible. Mike not on.) started the Courthouse Fund tonight, per se. Once we get that back from the Council, and (Inaudible) how much we will have (Inaudible) start a major renovation, at this point. So, to fill up the Courthouse and make good use of it, and take the income, at this point in time, I would make a motion to have Tammy work with these people, and sign contracts on a year to year basis until we can get a better hold on where we're heading.

Commissioner Mourdock: I think that's what we're doing. So, yeah, I'll second that.

President Fanello: Okay. So ordered.

Tammy McKinney: That's all.

President Fanello: Thank you.

### **Burdette Park**

President Fanello: Burdette Park.

Steve Craig: All I have is my work sheets for the week. If you have any questions.

Commissioner Mosby: I don't have any questions.

President Fanello: I don't either.

Commissioner Mosby: Sorry.

Steve Craig: Thank you.

Commissioner Mosby: Thank you.

### **SWCD & Ozone Officer Report**

Commissioner Mourdock: And we have the Soil and Water, and the Ozone Officer's report. So, I move those be entered into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Did I forget something, Tammy? You were looking at me.

Tammy McKinney: No.

Commissioner Mourdock: Oh, okay.

### **Consent Items**

President Fanello: Do I have a motion to add the late pink slip from—

Commissioner Mosby: So moved. Second, yeah.

Commissioner Mourdock: Second.

Commissioner Mosby: That's good.

President Fanello: Okay, so ordered.

Commissioner Mourdock: I'll move approval then, with that addition, of the Consent Items.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:26 p.m.

## CONSENT ITEMS

**Travel Requests:** Health Department

**Employment Changes:**

Auditor	VCCC	Prosecutor
County Clerk	Burdette Park	

**Requests for Service:**

Health Department	Burdette Park	Superior Court
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**Sheriff:** Submit weekly jail and community corrections reports.

**Auditor:** Submission of form 144's. (Deferred from 7/22/02)

**Treasurer:** Submit monthly report.

**Health Department:** Breastfeeding Peer Counselor Contract.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and Transcribed by Madelyn Grayson.**

**Vanderburgh County  
Board of Commissioners  
August 5, 2002**

The Vanderburgh County Board of Commissioners met in session this 5<sup>th</sup> day of August, 2002 at 5:28 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, August 5, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winterheimer; Commissioner Mosby. To my left, Commissioner Mourdock, Suzanne Crouch, County Auditor; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the prior minutes.

Commissioner Mourdock: So moved.

Commissioner Mosby: So moved. Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: I don't think we have any bids or advertisements or anything like that. Anyone in the audience wishing to address the board?

**Old Business**

President Fanello: Old Business. Space allocation. I thought Dave Rector was going to come by here, but he does have all of the Civic Center plans scanned into CAD. So, he's ready to start moving on those, and I thought we would go ahead and set the next meeting, if that's okay with everyone. Maybe give us a couple weeks, so everybody has a chance, maybe, to talk with him, and give input. So, whatever pleases the board.

Commissioner Mourdock: You said a couple weeks, do you want to try for the 19<sup>th</sup>?

President Fanello: Yeah, that's fine.

Commissioner Mourdock: At 4:30?

President Fanello: 4:30, is that okay?

Commissioner Mosby: Yeah, that's fine.

President Fanello: Okay.

Commissioner Mourdock: Okay. I'll move then we have a special meeting Monday, August 19<sup>th</sup> at 4:30 for Space Allocation.

Commissioner Mosby: Second.

President Fanello: So ordered. Is there any other Old Business from anyone?

Suzanne Crouch: Commissioner Fanello, I had spoken to Commissioner Fanello before the meeting, and in speaking to, this is regarding budget, in speaking to the Department of Local Government Finance, the Cum Courthouse Fund, and this is not spelled out in the ordinance, but it is part of the maximum levy. Therefore, if Council would not enact that rate, you may request, or you might want to request that they set that in as a department within the General Fund. That's an option. The other thought I had, which you may or may not want to look at is, you may want to look at extending the TIF area for that Lynch-Burkhardt Road area. It currently runs up along I-64, and if the Redevelopment Commission would extend that TIF area, that could pay for the extension of Lynch to the Warrick County line. There is a surplus in that account above and beyond what we're making on bond payments. I can get that information for you, but that's an alternative that you might want to think about in the future.

President Fanello: Okay. Do you know, and I just kind of briefly read in the Indiana News, they were talking about something done with the TIF districts this time. Is there anything that might affect?

Suzanne Crouch: Yes. The reassessment, and the way the House Enrolled Act 1011 has been written, will affect TIF revenue somewhat—

President Fanello: Okay.

Suzanne Crouch: —so we, before any decision is made, it would probably be good to look at—

President Fanello: Okay.

Suzanne Crouch: —you know, have your financial advisor take a look at that, and see to what extent that would impact those revenues. To my recollection there's about a \$3 million surplus in those TIF accounts now. I will verify that number for you—

President Fanello: Okay.

Suzanne Crouch: —but it is an option.

Commissioner Mourdock: This isn't a question, as much as it is a statement. Since you said that, Catherine, I do recall seeing that as well. I guess, the question went through my mind, was that for TIF's established from this point going forward?

President Fanello: That I don't know.

Commissioner Mourdock: Or was it the old one's.

President Fanello: That's why—

Suzanne Crouch: No, I believe it's the old one's also.

Commissioner Mourdock: Because, as I recall, it's, it was changing the basic funding of the TIF to bring it more in line, or to take the funds from, was it—

Suzanne Crouch: It's in regard to how it affects personal property.

Commissioner Mourdock: —or sales tax.

President Fanello: Uh-huh.

Commissioner Mourdock: It was about a sales tax from businesses within the TIF, I think,

Suzanne Crouch: Uh-huh. I believe it's as it relates to their personal property tax. They had a limit, or a ceiling, on personal property that they've eliminated. That will, therefore, generate less revenue, supposedly. We can do some research on that.

President Fanello: Okay. We can research that and see how that might affect that option. Is there any other Old Business? I just had a couple of questions. Basically, a budget question. Maybe Suzanne can help us, but these may be things that are probably going to come up during the budget, and probably haven't been decided yet. Looking through the budget overview where the paragraph that talks about the Local Road and Street Fund with the \$1 million of COIT. It says if Council, and since you don't have it, I'll just read this sentence;

If Council continues with this level of support, they would need to hold the 2003 General Fund budget increase to 3% over the 2002 approved budget, resulting in cuts of approximately \$5 million in order to stay under it's maximum levy.

So, has the Council, or maybe you, have you worked with some of the Councilmembers, and already made some assumptions about the budget? I mean, where we want to keep the tax rate, or?

Suzanne Crouch: No. In fact, as I mentioned in the book, because of reassessment it's, you can't really say what's going to happen to the tax rate. For instance, during the last reassessment, which was in 1995, there was additional property tax levy taken for the General Fund, but it did not increase the tax rate, because reassessment caused the AV to grow to where that rate did not increase. So, as far as the rate it's too soon. Those numbers were based, or those projections are based upon very early preliminary revenue numbers.

President Fanello: Okay.

Suzanne Crouch: As I know, you know, with your–

President Fanello: Uh-huh.

Suzanne Crouch: –financial working with the city budget. At this particular point in time we have to be extremely conservative–

President Fanello: Uh-huh.

Suzanne Crouch: –with the revenues, and they're also, as we move further down, and, hopefully, by the end of this week, or the beginning of next week we should have more state revenue numbers, and be able to refine that. That is, at this point in time, that's a goal to shoot for. Can they give more than a million to Local Roads and Streets, and cut less than \$5 million–

President Fanello: Uh-huh.

Suzanne Crouch: –that's a possibility–

President Fanello: Uh-huh.

Suzanne Crouch: –but, at this point in time, and when we did draft that for it to be, you know, to be sent out we were extremely conservative, because we don't have our state numbers for COIT, not the definite numbers, and the break down, and we don't have our state numbers for maximum levy. So, that's a goal at this particular point in time, but I will certainly as we get further along I'll apprise the Commission–

President Fanello: Okay.

Suzanne Crouch: –and the Council, and work with them.

President Fanello: I was concerned because I knew that the jail project fund was being funded with all COIT money. So, I didn't know how the information that you presented from the state last week, you know, affecting our COIT numbers, and how that was going to affect the funding of the jail project fund. Then, you know, our Road and Street Fund, because I definitely want to make sure we get enough money in Road and Streets.

Suzanne Crouch: Absolutely. You know, several of the Councilmembers have asked will there be enough money to set aside for the jail fund next year?

President Fanello: Uh-huh.

Suzanne Crouch: I can't predict that. My inclination says that's probably going to be more of a challenge than not. Because, as you said, it's important that Road and Street Funding is, you know, put in place, and that's your top priority now. So, it's just not, this is not a good budget cycle. Not only for the counties, but for the School Corporation, and for many other taxing units.

President Fanello: I wasn't sure, because since I, I mean I don't get involved in on the revenue side, but do you work with like the Finance Chair and help set the projection of revenues? Or do you just do the projections by yourself? I mean, who decides how much COIT goes to Road and Street? And who decides how much COIT goes to the Jail Project Fund?

Suzanne Crouch: We work with state, and it is based upon the budgets that are submitted. If they're approved, and there are no cuts made, then, you know, that determines how much COIT is needed to, not only fund, fully fund, the budgets to provide, you know, a healthy operating balance.

President Fanello: Are there any questions? If there is no other Old Business, we'll move on to New Business.

<b>New Business</b>
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President Fanello: I see Dave Rector came in, and we did discuss the space allocation. If you want to, we went ahead and set the meeting for August 19<sup>th</sup> at 4:30. So, if you have anything that you want to add, or let us know where you're at right now.

Dave Rector: I'm sorry, I didn't expect you to move so quickly.

President Fanello: That's okay.

Dave Rector: I have one set for you tonight. We have got the, excuse me, building drawings put on to CAD, the floor plans, all of this building, the safety building, the courts building. I have one set for you. If you all would like a set, I would be happy to get a set of those for you. I think the next step is for me to develop a scope of services expectations. Then we will try to look at the surveys you all did, and the needed allocation of additional space for future growth, plus current needs. We'll see how that fits in to where additional space may be created when the jail moves out. Obviously, we have a floor space issue, how that works, but then beyond that we will have to look at how HVAC fit, how does the electrical needs fit? So, it's going to be a fairly extensive study to see how do we grow into this space, and where is everything going to fit? Something that is not going to happen overnight, but, at least, the first step is done—

President Fanello: Uh-huh.

Dave Rector: —with getting the drawings on the CAD, and we can start moving towards that. As we have these space allocation meetings, we'll kind of start figuring who's growing where.

President Fanello: Appreciate it.

Commissioner Mourdock: Did I hear you say, Dave, three buildings? You said this building, the court building—

Dave Rector: Well, actually, they have broke, this building they call the Administration building. The jail they call the Safety building, and then the courts building. It was the way it was constructed, I guess.

Commissioner Mourdock: Okay. I never heard that terminology before.

Dave Rector: It's the way they're drawn in that way. David and Richard, if you would like a set of those drawings, I would be happy to get those for you too.

Commissioner Mourdock: Will there be just a set that we can keep here in the office?

Dave Rector: Certainly.

Commissioner Mourdock: So, when we come in we can take—

Dave Rector: I'm in the process of getting (Inaudible) CAD program in our office, so we'll be able to call some things up, move things about, and see how it will fit.

Commissioner Mourdock: Rather than making extra sets, I'm fine if you just have one set, and leave it—

President Fanello: We could just leave this one—

Commissioner Mourdock: ----there and give it to Tammy, so when we come in we can take a look at it.

Commissioner Mosby: David, would you like a copy for yourself?

Commissioner Mosby: Please.

Dave Rector: No problem. Any questions?

President Fanello: I don't think so.

Dave Rector: Okay. Good.

President Fanello: Thank you.

Dave Rector: Thank you.

President Fanello: Department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First I would like to request approval to work with Kevin to develop a lease agreement for parcel number 23 on the University Parkway Project. This is a property owned by Howard Brooks. This is a total take of his house. He will be a relocation. Mr. Brooks would like to stay in his house until December 16<sup>th</sup>. Like the Marvin Wright parcel, we previously entered into a lease to allow him to stay in to his property until October. It turns out he didn't need it, so he found another house, but Mr. Brooks is talking about building a house, so he would like to stay there until December 16<sup>th</sup>, and I would like to work with Kevin to develop a lease to allow that to happen.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I'll give you some pictures, and show you what we found out on that sink hole out on Aspen Drive. The easement, well the property in question was 3911

Aspen Drive. There is a 15' easement, 7 ½ ' on that 3911 property. You can see the sink hole here in the pictures. This is looking to the east, and this is looking west. This would be the easement. You can see there is landscaping and trees that have been put, placed in the easement, which would make it difficult to get a backhoe into the site, but if the property owner wanted to, I guess, they could come in from that side as well. In reviewing it, we did find a pipe, basically, the pipe runs from Aspen Drive on through this easement to the south, goes down to Elmridge, and continues on out. So, there, it's just a side yard easement. There are curb inlets right here, out here on Aspen Drive, and there's a pipe that extends that way so—

Commissioner Mourdock: How much of a drainage area is coming into that? I'm pretty sure Aspen Drive is draining that direction, or draining to that point from both directions.

John Stoll: I'm trying to remember now. There are not that many inlets in that street. I didn't recall it being in a sag though. I thought it was just on grade.

Commissioner Mourdock: Okay.

John Stoll: I know everything in general drains south and east through this area.

John Stoll: But you're suggesting is, if there's not a sag, that whatever comes to there, and if it's overworked would continue through this way? Or (Inaudible) that way.

John Stoll: Yeah, and this does not tie in over here on Congress. It dead ends. So, I would have check and see, I cannot remember exactly where it goes.

Commissioner Mourdock: Okay. It's not a sag is the main thing I was looking to hear.

John Stoll: One other thing I was going to add too, on that dedication statement from the plat there, there was no reference to who was supposed to maintain any of this. (Inaudible. Stepped away from mike.) This is the east side of the house, so, this would be the east side, this is the west side of the house. So, the easement runs right down through here like this on the west side. (Inaudible. Gavel hitting the desk.) This area is shown here, that's on this side of (Inaudible).

Commissioner Mosby: The sink hole is?

John Stoll: No, this is, it's sitting out—

Commissioner Mosby: Yeah, okay, and there is a drainage pipe running through this easement?

John Stoll: Yeah, and it does continue on further south.

Commissioner Mourdock: What's here?

John Stoll: This street, it's more curvy, but it continues on.

Commissioner Mosby: This is what?

John Stoll: That's Elmridge.

Commissioner Mosby: Elmridge, okay.

Commissioner Mourdock: This is all housing lots here too, John?

Commissioner Mosby: So, you're, basically, draining this whole block (Inaudible. Mike not on.)

John Stoll: Probably so. I don't recall exactly the way the contours lie, and I didn't bring a contour map with me, but it's picking up yards and the street both.

Commissioner Mosby: It's like I said last week, I don't see how we can keep from not fixing it. I mean, if we don't fix it, I don't see where we can expect the homeowner to fix it, and they'll end up filling it in. Then you are going to end up with sewers that, you know, that are completely full of dirt.

Commissioner Mourdock: Well, as I said last week, there is an easement there for drainage. They cannot fill in that easement. If they were to block it to the point of having water not go down it, they fall subject to what we deal with, it seems every month, at the Drainage Board meeting. I realize there are a lot of drainage easements, and maybe even this one, from what John was saying before, that there may be some landscaping or something that's gotten into it. Or was that before you actually get into the easement.

John Stoll: It appears that there could be some on top of the easement. We can, we didn't really look for the property corners, at the time, but given where the neighbors driveway is, and where the landscaping is, I would say there's a good chance there is some in the easement. I just don't know how much.

Commissioner Mosby: What is your suggestion?

Commissioner Mourdock: My suggestion is it is a problem for the landowner who has that easement. I mean, I just, as John stated last week, I think said it well, there's been a long standing practice and policy of this board that says we do not work on private property easements to do things that landowners ought to be doing as their part of their obligations of ownership. Not exactly John's words, but I think that was the heart of it.

Commissioner Mosby: How many property owners have you ever went out and told them that they are going to have to dig up their sewer? I mean, a sewer that could be what, four or five foot deep. I mean, how many times have you went out and told a property owner, this is your problem, you dig it up, patch it, put a new pipe in it, whatever?

John Stoll: We've told them quite a few.

Commissioner Mosby: Ditches, or drainage pipes.

John Stoll: Both.

Commissioner Mourdock: But, wait a minute. There's a difference, I think. You're talking about along our right-of-ways. Let's be sure we're saying the same thing.

John Stoll: (Inaudible. Talking over each other.) Talking about the off right-of-way issues, right? You're talking about backyards, side yards, anything that's off right-of-way, correct?

Commissioner Mosby: Well, I'm talking about something that's in an easement, and as far as I'm concerned that was probably set up as a public easement. I mean, I don't know if there's documentation on it, but, I mean—

John Stoll: But the easement does just say public utility, if I remember right.

Commissioner Mosby: If it's a public utility easement, I mean, it's, that's a utility. It's a sewer. I mean, I don't know too many people that are going to have access to a backhoe, you know, that are going to go out and dig up the sewer, and fix it. I mean, they will end up just letting it sink, and sink, and sink, until it's—

Commissioner Mourdock: Well, if they do that, David, they are diminishing the value of their own property. I realize they may not have access to a backhoe easily, but neither is it our obligation to provide them a backhoes and labor.

Commissioner Mosby: It's our obligation to provide drainage.

Commissioner Mourdock: Not if it's a utility easement.

Commissioner Mosby: I mean, this inlet comes right off the street, drains, you know, a block or two or three.

Commissioner Mourdock: Into a utility easement. As John said a moment ago, there is a lot of drainage that comes off that from adjacent properties. It isn't just water running down our road, it's drainage coming off surrounding properties going there.

Commissioner Mosby: My next question would be for the counselor. What kind of liability are we taking on? I mean, looking at the size of this hole, and somebody decides to walk across that yard.

Kevin Winterheimer: Well, what it would end up being is a battle of was it the county's sewer, or was it meant to be a private one. I can't answer that question. Certainly, I mean, I don't think it's any question that if you repair it, it's a public benefit. You're benefitting the drainage, not only of the area, but the drainage of the street. The drainage of the street doesn't go, and becomes (Inaudible), then you've got a whole another set of problems. So, I guess, I guess, the question is, it is a public benefit, if you want to fix it, you can. I have no problem with it.

Commissioner Mosby: I'm referring to somebody who goes across that yard—

Kevin Winterheimer: I understand.

Commissioner Mosby: —and falling in that hole right there.

Kevin Winterheimer: I understand. Like I said, it would come down to was that meant to be a county sewer, or was that meant to be a private sewer.

Commissioner Mosby: Well, if it's a private sewer, they could fill it in.

Kevin Winterheimer: Well—

Commissioner Mourdock: No.

Commissioner Mosby: I mean, he's saying it's a county...he's saying it benefits the public, so they can't fill it in.

Kevin Winternheimer: Well, but then you've got the issue, while we're battling that out, somebody may get injured too, and that's a consideration to take into account.

John Stoll: The way this was referenced on the plat, it just says center line 15' easement. Then on the owners certificate on the plat, it says strips of ground of width as shown on the plat and marked easement or ESMT, or reserved for the use of various public utilities, and subject at all times to the proper authorities, and to the easements here on reserve. So, it doesn't really define it as a public utility easement, it just defines it as an easement.

Commissioner Mourdock: Nor does it define it as county right-of-way.

John Stoll: No.

Commissioner Mourdock: Which, obviously, it's not.

John Stoll: It doesn't say drainage easement right-of-way. It's vague, and that's one of the problems with one of these older plats. They didn't really clarify things very well.

Commissioner Mourdock: Let me—

President Fanello: (Inaudible.)

Commissioner Mourdock: —Yeah, I'll just state again, if you do anything counter to what we have had as a long standing policy, you open up a lot of questions that, or scratch that, not a lot of questions, you'll be getting requests after requests, after request for this type of thing. It gets very hard to draw the line. I mean, in saying what I'm saying, I'm agreeing with Mark Owen, Pat Tuley, Rick Borries, Jim Lindenschmidt, a whole group of people from the, from your side of the political aisle, as well as—

President Fanello: That doesn't mean I have to agree with them.

Commissioner Mourdock: It doesn't. It doesn't, that's true, but I'm saying it isn't just, it hasn't just been a one sided point of view, it's been a long standing point of view, based on what I think people see is the long term liability to the county.

Commissioner Mosby: I don't have to agree with it either. I mean, I can see where if we don't fix this, and I'm not sure the homeowner's going to fix it. I don't know, I haven't talked to him. I mean, all I can say is, you know, I got this call three or four different times, and passed it on to John. I haven't even been out there. This is the first I've seen it.

John Stoll: The property owner has called numerous times. I told him, initially, that it was his obligation to fix it, based on past policies. Like most people, he didn't like that answer. He felt that it was the county's responsibility to fix it, and he's continued to call since then. I've told him that until directed otherwise, that we weren't working

off right-of-way. I said, that's not to say it's impossible. Likewise, it wasn't to say it was going to happen.

Commissioner Mosby: In my conversation in talking to him, I don't think he had any intention of fixing it. I mean, as far as he was concerned, you know, it could cave in or whatever. You know, you fill it full of dirt, and make sure nobody falls in it, and breaks their leg. I think that was, you know, and that's not, to me, that's not the avenue we can take. I mean, problems like this have to be fixed. It's not, you know, it don't serve just him. If it was just him at stake, I would say, you know, he would have a reason to fix it. What you have is a subdivision at stake here that drains, you know, how much property. I don't see how we can leave drainage, I mean, drainage is bad enough as it is. How you can let something like this go, I don't know, but, I mean, I would be in favor, since there is an easement there, a 15' easement, I would be in favor of the garage going out and looking at it, and seeing what it would take just to patch that pipe, and put dirt back in it.

John Stoll: Reggie and Mark were out there with me last week, and it wasn't any big deal based on what these guys were saying.

Commissioner Mourdock: Before you say something, Reggie, let me respond to what David just said. I would agree that it isn't just a benefit to him to have that water run through there. It, obviously, benefits everybody in the area, including the county, but if we improve that property for him, I think he's the sole benefactor to what would otherwise be part of his obligation as a property owner, which is to maintain his property in something other than the form of a common nuisance. Which is what you'd have if people risk falling in the hole. Go ahead, Reggie.

Commissioner Mosby: Commissioner, it's one guy that, you know, ended up with a pipe between his house. The rest of the block, you know, were so unfortunate they didn't end up with a pipe there. How can you blame him, as one homeowner?

Commissioner Mourdock: I don't blame him. I'm saying it's his obligation. If my roof leaks, I don't blame my neighbor, but as a property owner, it's my duty to fix my house.

Commissioner Mosby: But if your roof leaks, it only affects you. It don't affect everybody else on the block.

Commissioner Mourdock: Well, but—

Commissioner Mosby: That's a bad scenario, but, you know, I mean, we're talking about something that, you know, benefits half of a subdivision.

Reggie Haskins: The only major concern that we were looking at as far as getting our backhoe down there to where the problem is at. You know, not causing any extensive property damage. Once we get down there, we can dig it up, and we're just going to, it's right at the elbow, and we're just going to put a couple bags of quick crete around it, seal it back up, cover it back up, and be on our way.

Commissioner Mosby: How deep is it, Reggie?

Reggie Haskins: It's about 5'.

Commissioner Mourdock: 5' down to the pipe? Really?

John Stoll: We don't know how, we don't know how the Water Department got in there, how they got a backhoe in—

Commissioner Mourdock: Uh-huh.

John Stoll: —but they have been out there in the past. So, I don't know whether the property owner let them take a backhoe across his property, or whether they came in a different way, but—

Commissioner Mourdock: Is there a water line, as well as this drainage that you know of?

John Stoll: I guess, whenever the sink hole originally happened, they thought it was a water and sewer issue, and they went out there, they being the Water and Sewer Department, went out there and started digging, and realized there was no water line, that it was their problem. So, that's when they left, and that's when Mr. Schenk started calling us. So, they got some equipment in there. I just don't know how.

Commissioner Mosby: Well, don't you have some papers out there that if you, people can sign—

Reggie Haskins: Yeah.

Commissioner Mosby: —I mean, homeowners, so you can cross their property?

Reggie Haskins: Temporary easement.

Commissioner Mosby: Right. Okay. I mean, that would be my thought. Just take some of the temporary easement papers out, and get them signed, and, you know, dig the pipe up. I mean, that's just my opinion.

President Fanello: Well, do I have a motion on the table?

Commissioner Mosby: I'll make a motion, in this case here, since there's a 15' easement, that we go out and fix the pipe, and get some temporary easements signed if we have to cross somebody else's property.

President Fanello: I'll second.

Commissioner Mourdock: I would make the request that in addition to getting the easement, you get a release from them.

Commissioner Mosby: Don't that paper release us of all damage?

Reggie Haskins: Yes.

Commissioner Mosby: Okay. I thought it did.

Commissioner Mourdock: Pardon? What?

Commissioner Mosby: The paper releases us of all damages and everything. It's one we've been using.

Reggie Haskins: The one we've been using.

President Fanello: Has Kevin reviewed it? Maybe we just have Kevin review it and make sure it's okay.

Kevin Winternheimer: Fax me a copy, and I'll take a look at it.

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

President Fanello: Uh-huh.

**(Tape Changed)**

John Stoll: Next, I would like to request that Daffodil Court and Iris Court be accepted in Section B of Spring Park Subdivision. These streets total .09 miles, and they were built in general accordance with the approved plans. So, it's requested that they be accepted.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request that the street plans for Fenway Park Subdivision be approved. This is a residential subdivision on Baseline Road just east of Boyle Lane. As you can see on the plans in front of you, basically, there is just one loop street in the subdivision. There is, I believe, 37 lots. The streets will be asphalt with concrete curb and gutter. It's requested that the street plans be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: They didn't provide a mylar, so—

President Fanello: Okay.

John Stoll: —I'll just let them know.

Commissioner Mosby: No problem.

John Stoll: Next, I've got a draft of a speed limit ordinance revision that Kevin had prepared. This ordinance is to establish procedure for setting temporary speed limits for construction work zones, and things like that. This came about from the request out on Burkhardt Road that we needed to lower the speed limit. In reviewing the state guidelines, it basically says that you're supposed to follow local procedures to lower, temporarily lower the speed limits in work zones. The problem is our speed limit ordinance did not address that. Kevin drafted up this ordinance revision that would take care of that.

Commissioner Mourdock: So, at this point we simply need to advertise?

Kevin Winterheimer: Actually, you don't even need to advertise. He's just giving it to you, and I can officially file it this Friday, for a first reading next Monday. He's just letting you review it ahead of time, if you are so inclined to consider it.

John Stoll: Right. If you're okay with the ordinance, then we can proceed, but this is just for your review, like Kevin said.

Commissioner Mosby: I don't have any problem with it. Did you need us to tell you tonight? I mean, I don't have a problem with this.

Kevin Winterheimer: I'll go ahead and file it Friday, and put this on the agenda.

Commissioner Mourdock: Yeah, I'll move the filing of this ordinance.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: I didn't want you to think we didn't want to file it, so.

John Stoll: Okay, next, I wanted to give you a quick update on Rodenberg. Valerie Harry in my office has been working with coming up with a design for the project. It was just a preliminary design. That was because the property owner, Mr. Hatfield, wanted to know what was going to happen before he would say yes or no to dedication of any additional right-of-way. To this point he is not agreeing to dedicating additional right-of-way, mainly because one of his requests was that he wanted to see Rodenberg widened from the culvert east. That's in the city limits, so Valerie had contacted the City Engineer's office, and they have no plans to do anything to Rodenberg east of the bridge or culvert. At this point, Mr. Hatfield is not interested in dedicating the right-of-way. We'll see if he has a change of heart, but, at this point, we're not getting any progress as far as getting a right-of-way dedication.

Commissioner Mosby: What's our next step, if he doesn't dedicate the right-of-way?

John Stoll: The only thing I know would be you would have to condemn it.

Commissioner Mosby: Okay. This is the one where the little bridge—

John Stoll: Right.

Commissioner Mosby: I would say, give him one more chance.

John Stoll: Okay.

Commissioner Mosby: To dedicate the right-of-way.

John Stoll: We'll keep talking to him, and see what he says.

Commissioner Mosby: I mean, I don't know what other choice we've got.

John Stoll: I don't either, because if you're going to build it, we want to make it passable for two way traffic. To do that, given the fact the way everything has been dedicated out there so far, it's either private easements or there are no easements.

So, we've got to get some additional right-of-way from this guy, if it's every going to happen.

Commissioner Mosby: The other property owners don't own, the people that are wanting the bridge, they don't own enough property there for us to deal with?

John Stoll: No.

Commissioner Mosby: Well, it's still a public safety reason. We have to do something.

John Stoll: We'll keep working with him. I'll let you know what we find out. Also, in last week's meeting I said I would get with appraisers for Lyle Road. I didn't get a meeting set up until this Wednesday with Larry Farmer. So, next week I'll be able to come back, hopefully, with some prices for those appraisals for Lyle Road. That's all I've got unless you've got any questions.

President Fanello: Any questions? Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thanks, John.

<b>County Highway</b>
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President Fanello: Reggie.

Reggie Haskins: Reggie Haskins, County Highway. I appreciate you all receiving my reports. I got a request for something that I want to purchase, if it's okay with you guys.

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

Reggie Haskins: Sure. Our unit that we spray weeds with, the pump burned out on it. We tried to see if we could get some repair parts for it, but it's outdated. I had my shop foreman try to get three bids, but we could only come up with one sole vendor, and that's the co-op across the street from us. Tractor Supply doesn't have any units like that. We checked with Rural King, Lowe's, most of those are high pressure. In order to spray chemical, we can't use a high pressure unit. You have to use a low pressure unit, because of the drift of the chemical. I'm just asking permission to purchase this, because that's the only person, the only vendor that has that equipment.

President Fanello: Do you have enough money? I guess, you have enough money in your budget.

Commissioner Mosby: Didn't you say today that everybody was referring you back to co-op?

Reggie Haskins: Yes. Everybody referred us back to the co-op. Tractor Supply, excuse me—

Commissioner Mourdock: How many people, go ahead.

Reggie Haskins: Tractor Supply even told us to go out to the co-op, because they didn't have any units. They don't even sell any units like that. They just sell a lot of units that are for bigger stuff like sewage, drainage, stuff like that. Those type pumps. We have to have a low pressure pump in order to spray, instead of having high pressure. High pressure has a lot, makes it drift. It stays in the air longer, and drifts. Low pressure actually puts the chemical on what you're trying to kill.

Commissioner Mourdock: A few years ago, I know the landscapers came under a bunch of pressure, or the people that were doing the spraying for them had to be licensed or get something—

Reggie Haskins: Yes.

Commissioner Mourdock: —do you have people who are licensed now?

Reggie Haskins: Yes, I have one guy named Mark Bassemier. He licensed. He went up to Eltap and completed the course. He is licensed for the next five years.

Commissioner Mosby: You say the one you got right now is not repairable though?

Reggie Haskins: We had, my shop foreman tried to find the part, but they are obsolete. It's outdated, the equipment there is outdated.

Commissioner Mosby: I'll make a motion that we purchase it from co-op.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Reggie Haskins: I'm open for questions, if any.

President Fanello: Are there any other questions?

Commissioner Mosby: Did you see the letter from the woman on Red Bank Road?

Reggie Haskins: Yes, yes.

Commissioner Mosby: Okay. Because I just wanted to make sure. It's not very often you get these. Since it was complimenting the men and everything, I just wanted to make sure. Tell them thanks.

Reggie Haskins: No problem. I even stopped and said thanks.

Commissioner Mosby: Pardon?

Reggie Haskins: I even stopped by there and told them thanks.

Commissioner Mosby: Oh, okay. I don't have any questions.

President Fanello: Okay. Thank you, Reggie.

Reggie Haskins: Thank you.

Madelyn Grayson: Reggie, this copy has notes on it. Did you need this back?

Reggie Haskins: No.

Madelyn Grayson: Okay.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have several items. The first of which is, I'll pass this out, Commissioner Fanello had given me something entitled an amendment to lease agreement. This is with Mary Hart for the Safe House lease. Apparently, what I can gather, back in January, you all had approved this, but you never had a written document. This was submitted by Ms. Hart's attorney. I didn't change any of the language, I just changed a couple of words around to make it more readable, but I did not change the content. It says that the term of the lease is February 28, 2002 to February 28, 2004. That paragraph 34 of the lease, which granted the tenant, you, the option to extend the lease is deleted. That the rent stays the same, \$3,000 a month, or \$36,000 annually. That's it. So, the rest of the lease stays in full force and effect. Again, it would run until February 28, 2004. Here are three copies. I have some more copies, but, I guess, all we need is a motion to sign this amendment to the lease agreement.

Commissioner Mourdock: Essentially, we're just ratifying what we did previously?

Kevin Winternheimer: Yeah, you don't, apparently, you'd already approved it. You just never got anything in writing acknowledging it. So, here it is.

Commissioner Mourdock: Alright, I'll move then (Inaudible. Someone coughing.) the amendment to lease agreement for the safe house property.

Commissioner Mosby: Second. Second.

President Fanello: So ordered.

Kevin Winternheimer: The next thing I have, and, again, this is not a filed ordinance. It's an ordinance that I intend to file Thursday of this week, and it is...the reason you are getting it today is it's 14 pages long. It establishes purchasing policies and rules for Vanderburgh County. This is very dry reading, and I figured you needed as much time as possible to go over it. That's why you're getting it today. I don't require any action. I'll just hand out three copies for the Commissioners, so it will give you a head start on reading it. I intend to file it, and allow a first reading Monday.

President Fanello: I did review it last week with Kevin, and made a couple of changes, but I told him to bring it here, and let everyone else get a chance to read it, and make any changes that they wanted to make, or suggestions.

Kevin Winternheimer: The next, and, by the way, I will give Phil Lawrence a copy as well. The next item is we need to have an Executive Session next week, if we can, at 4:30. I was going to ask for one anyway on pending litigation and initiation of litigation. I think a couple of the, this one has primarily to do with the condemnations, it a road project. I think we're ready to move on a couple more

properties. Or, at least, be able to discuss them. Also, I was just informed by the Sheriff's Department they have a personnel matter they would like to bring up. So, I would request an Executive Session next Monday at 4:30.

Commissioner Mourdock: So moved to discuss those two items.

Commissioner Mosby: Second.

President Fanello: So ordered. Might we also, pending whatever happens, I think the vote this Wednesday for the land for the jail project, maybe we might not want to add real estate to that. Just in case there is something we might want to discuss.

Commissioner Mourdock: Okay. Yeah, okay, and possible discussion of real estate at that Executive Session too.

Kevin Winternheimer: We'll add that too. I believe that's all I have. Thank you.

President Fanello: Thank you, Kevin.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: I had a couple of late, I don't know if they were late or not, because I wasn't here on Friday. I was at the terrorism seminar. I believe there is one Travel Request, and a couple of the department head reports, and then the pink slips. Also, do you not have Soil and Water, or Solid Waste next Monday?

President Fanello: Oh, yes, we do at 4:30. Thank you.

Commissioner Mourdock: I'd rather do Executive Session.

President Fanello: Yeah.

Kevin Winternheimer: Is that 5:00 or 5:30?

President Fanello: No, that's 4:30 to 5:30.

Kevin Winternheimer: 4:30. I'm available any time.

President Fanello: Well, I think we'll just have to—

Commissioner Mosby: Whatever we have to do.

President Fanello: We'll have to do it at 3:30 then.

Commissioner Mourdock: Will it take an hour do you think, Kevin? Have you got that much?

Kevin Winternheimer: Well, you know, by discussing it a week in advance, invariably there will be two or three more—

Commissioner Mourdock: Okay.

Kevin Winternheimer: –projects that they’ll want to bring up. We’ve got a few, just a handful now, but there will probably be two or three more by the time we get to next Monday, so.

Commissioner Mourdock: Then I’ll amend my previous motion to schedule the time at 3:30 next Monday for Executive.

Commissioner Mosby: Second.

President Fanello: So ordered. On your terrorism, did, was that eventful?

Tammy McKinney: I have a binder.

President Fanello: Oh, do you? Okay.

Tammy McKinney: I mean, they just did different scenarios. Actually, it’s kind of scary about how unprepared we are. It just gives you a lot to think about. Sorry. I mean, it does, so.

President Fanello: So, you do have a binder, and we can all stop by and look at it.

Tammy McKinney: I have four pages of notes too.

President Fanello: Okay. Thank you.

<b>Burdette Park</b>
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President Fanello: Burdette Park.

Gary Hohman: The only item I have in addition to our work report is a small update on the O’Day Discovery Lodge. The electrical contractors were out there today establishing points that they can provide electrical service to the work site area. Following that the latter part of this week, or at the latest the first of next week earth moving will be started on digging the footing and foundation for the building.

Commissioner Mourdock: Gary, I don’t know, and, Catherine and David, if you saw this in the circulating file or not. Or if each of you got a copy, but I have a note here from a Veronica Recinos, or Recinos, perhaps, and, obviously, highly complimentary. Apparently, she nearly lost her son at one of the pools, and one of our life guards was on duty, and we had an EMT out there. So, whoever the appropriate person was, she doesn’t mention the names here of the life guard, but, please give them a pat on the back for us.

Gary Hohman: We have had a copy of that–

Commissioner Mourdock: Okay.

Gary Hohman: –and have acknowledged to the guards.

Commissioner Mourdock: Must have been a scary situation.

Commissioner Mosby: I had it there. I was getting ready to mention it, because it was funny you go through a couple good one’s here.

Commissioner Mourdock: Yeah.

Commissioner Mosby: Not too many bad one's in this batch. Tell them thanks. Appreciate the job they've done. I know it's been hectic this summer.

President Fanello: Thank you, Gary.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: We had on our desks tonight, when we walked in, the Soil and Water Conservation Report, and also the Ozone Officer's Report. So, I would add we move those to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

Commissioner Mourdock: Then I would move adding to the Consent Items the Travel Request here from Soil and Water as well. That was the only one, Tammy?

Tammy McKinney: Right.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Any other changes to Consents? So, I'll move approval of Consents.

Commissioner Mosby: And I will second that.

President Fanello: So ordered.

Commissioner Mosby: I'll make a motion to adjourn.

Commissioner Mourdock: Wait a minute. One moment.

Commissioner Mosby: Not yet.

Commissioner Mourdock: Oh, I just wanted to make you aware of, and I don't know if you saw this as well, but Judge Trockman has his first graduate or graduates tomorrow at 1:00 at the Drug Court. So, he's asked us to be present, if we can. Now, if there was a motion to adjourn, I second it.

Commissioner Mosby: Second. Or motion to adjourn.

President Fanello: So ordered.

The meeting was adjourned at 6:13 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Perry Assessor SWCD	DADS	Health Department
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**Employment Changes:**

Superior Court	Auditor	Knight Assessor
Health Department	VCCC	Burdette Park
Prosecutor	County Clerk	

**Requests for Service:**

Circuit Court	Treasurer
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**County Clerk:** Submit monthly report for June 2002.

**Auditor:**

Renewal of JAIB Grant Application for Juvenile Court.  
Submission of Tax Sale Properties Information.

**Sheriff:** Submit weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Dave Rector	John Stoll
Reggie Haskins	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and Transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
August 12, 2002**

The Vanderburgh County Board of Commissioners met in session this 12<sup>th</sup> day of August, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Commission meeting, August 12<sup>th</sup>. Introductions are as follows, to my right Superintendent of County Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of August 12, 2002 Executive Session Summary Minutes**

President Fanello: I need approval of the Executive Session minutes.

Commissioner Mourdock: I will move approval of our summary minutes from this evening's meeting. That began at 3:30 and ended at 4:10, included the three Commissioners, Mr. Winternheimer, Chief Deputy Auditor, Bill Fluty, and several other counsel representing us. It dealt with personnel matters, and litigation pending against the county.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of August 5, 2002 Commission Minutes**

President Fanello: Can I have approval of the regular meeting minutes from August 5<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Phil Lawrence - Permission to Advertise APA053-2002  
Network Infrastructure Hardware**

President Fanello: Phil Lawrence, permission to advertise network infrastructure hardware upgrade

Phil Lawrence: Yes, that's the APA053-2002. The dates are August 23<sup>rd</sup>, August 30<sup>th</sup>, and then bid opening is September 9<sup>th</sup>.

President Fanello: What is that specifically?

Phil Lawrence: That is, and Joe Ansliger is here to answer all of those good questions.

Joe Ansliger: Ma'am, those are request for bids for network components to be used for projects encompassing the upgrade of the City County infrastructure that is budgeted for the 2002 year and a request has been put in for 2003 for the remaining items.

President Fanello: Okay, are there any questions? Thank you, Joe.

Commissioner Mourdock: Motion to approve the advertisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Open Bids for VC02-08-02: Concrete Repair of Various Roads</b>
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President Fanello: County Attorney, opening of bids VC02-08-02, Concrete Repairs of Various Roads.

Kevin Winternheimer: Yes, before I open those, any bids from the audience the night of the projects, today?

Commissioner Mourdock: Seeing none, I will move approval of the opening of bids.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: The first bid is from JBI Construction, Inc. of Evansville. Let me find a total here. Okay, road #1, Vogel Road, total road bid # 1, \$30,528.80. Road #2 the, the Villa Subdivision, \$9,926.75. Road #3, Copperfield Subdivision, \$31,169.85 and, I guess, that is it. Okay, on that last one, the total if you add all of those numbers up, should come to \$71,625.40. Here we go.

Commissioner Mourdock: Did we bid that ,John, in such a way that we have the option then for that individual? Or is it a sum total for all?

John Stoll: It is the total of all of them.

Commissioner Mourdock: Okay.

John Stoll: It was specified on the itemized proposal that the award would be based on the total of all three.

Kevin Winternheimer: Okay, so you are not going to split them out?

John Stoll: No.

Kevin Winternheimer: Okay, that is why I was reading them separately, then I will just read the totals. The next one is TD & O, LLC of Evansville, and they bid all three of them. Their total for all three is \$84,969.70, for all three. The next bid is

from Concrete Pavers, Inc. of Evansville and they bid all three and their total for all three roads is \$73,803.76. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville, and they bid all three, and their total for all three roads is \$94,434.05. The next bid, and the last bid on this project, is from J.H. Rudolph and Company, Inc. of Evansville, and their total for all three roads is \$88,090. That is all the bids I have on that project.

Commissioner Mourdock: Okay, I will move that we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: I guess, as a formality, since we did read, or you did read publicly, Kevin, the three separate bids for the one into the record, and in a sense of fairness, I presume, after you look at those, all of the bids in each component would be available to all of the bidders?

Kevin Winternheimer: Right, they are public records. So, they can just contact us, they can see if they want to. Sure.

<p><b>Open Bids for VC02-08-01:Elmridge Drive and Congress Avenue Drainage Improvement Project</b></p>
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President Fanello: Next item is opening of bids for VC02-08-01 Elmridge Drive and Congress Avenue drainage improvement project.

Commissioner Mourdock: I will move opening of those bids.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Is there anyone else to turn a bid in on that project? Seeing none.

Kevin Winternheimer: The first bidder I have is JBI Construction, Inc. of Evansville, and ,okay, the total appears to be for all of the 44 items listed, \$487,496.45. The next bid is from Blankenberger Brothers, Inc. of Cynthiana, Indiana, and their total appears to be \$403,295.30. The next bidder is TD & O, LLC of Evansville, and their total is \$414,855.55. The next bid is from Klenck Companies, Inc. of Evansville and their total is \$424,612.87. The next bidder is BMB, Inc. of Newburgh, Indiana, and their total is \$453,709.15. The next bidder is Concrete Pavers, Inc. of Evansville, and their total is \$413,135.45. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville, their total is \$483,738.10. I am sorry, let's go back when I said Concrete Pavers, apparently that was the subcontractor, and the contractor on that one is Peyronnin Construction Company, and that figure was \$413,135.45, thank you. The next bidder is Bowen Engineering Corporation from Evansville, their total is \$445,690. The last bid is from Koberstein Trucking, Inc. of Princeton, Indiana, and their total is \$373,743. That is all of the bids that I have.

Commissioner Mourdock: I will move that we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Comment on Handicapped Transportation**

President Fanello: Before we move onto discussion items. I have a citizen in the audience that needs to address the Board about handicapped transportation and must be at another place here very shortly. So, if it would please the Board, I would like for him to go ahead and address the Board right now.

Mike Dickinson: Hello, I appreciate you all getting me in here early. My name is Mike Dickinson, and I am a resident of the county. My son, is 22 years old and lives with us. He is moderately, physically and mentally handicapped. I have been working with Councilman Bassemier with a problem that we have had with the transportation in the county since the ASAP contract was taken over. I understood when I went to the budget hearings that now this is going to be taken over by AMR.

President Fanello: Yes, we are negotiating a contract with them right now.

Mike Dickinson: Okay, and I just had a couple of concerns that I wanted to see get addressed in the new contract. The first one is, the way it is going now, there is no handicapped transportation going on. It's all, basically, like a taxi cab service. So, anybody that is in a wheelchair or has any mobility problems at all can't use the service that is there now. So, the main concern is that it is going to be wheelchair accessible, from an independence standpoint for one thing, and for another thing the affordability of it. A lot of people are going to be in this situation and aren't going to have a great amount of money. When I called AMR, which is what I was advised by ASAP to do, it's \$40 one way for the first ten miles, and then you have to bring them home. It is the same going back. For, like my son, he works three days a week at ARC on Kotter Avenue. In the city, I believe that it is either \$2 or \$3 each way with the METS mobility, and I had no idea as to what this was going to come out to be. That's just basically the two things that I wanted to address. That it is going to be accessible for wheelchairs, and to make sure that it is going to be affordable, and that people are going to be able to use it.

President Fanello: I don't have the prices in front of me, but we can definitely look into that, but I can't remember, off the top of my head, what the price proposal was. I don't know if Kevin knows off the top.

Kevin Winternheimer: I don't know.

President Fanello: But, we are in the process of negotiating a contract with them right now and we will definitely take, I think Kevin has worked on some of the specifics on the contract.

Mike Dickinson: Well, like I said earlier, I just wanted to make sure that I just wanted to make sure that I got on the record for this to get some of the concerns out there. I know that there are other people in the community that are going to have concerns about this. So, and I do have another appointment that I have to get to.

President Fanello: Does anybody else have any questions, real quick? Okay.

Madelyn Grayson: Sir, will you please state your name for the record, I didn't catch it the first time.

Mike Dickinson: Michael Dickinson. Thank you.

Commissioner Mosby: Thanks, Mike.

**First Reading of Ordinance Concerning Temporary Speed Limits**

President Fanello: Discussion Items. County Attorney, first reading of ordinance concerning temporary speed limits.

Kevin Winternheimer: Yeah, I was approached by our County Engineer, who is saying what authority or what authority is in our Code Book to establish speed limits that are lower than those established in the Code. Before you is an amendment to Section 10.16.010 which would add a provision allowing the County Engineer to temporarily lower the speed limits that you've established under the County Code for the following reasons: due to hazardous conditions, construction or repair on a new county road. The temporary speed limit would be in effect for 30 days, but it may be continued for an additional period of time. The speed limit and the duration shall be ratified by the Board of Commissioners at a subsequent meeting, and it would be effective upon posting of the speed limit. That is about all there is to the amendment.

President Fanello: Are there any questions?

Commissioner Mourdock: On first reading, I would move approval.

Commissioner Mosby: Second.

President Fanello: So ordered.

**First Reading of Ordinance Establishing Purchasing Policies and Rules  
for Vanderburgh County**

President Fanello: Next item is the First Reading of the Ordinance Establishing Purchasing Policies and Rules for Vanderburgh County.

Kevin Winternheimer: Yes, before you is an Ordinance 0802.008, rather a lengthy 14 pages of ordinance, but I will go through it briefly in summary. For small purchases, for those less than \$500, there would be no price checks or bidding that would be required. Between \$500 and \$25,000, there informal verbal or written quotes would be acceptable. \$25,000 to \$75,000 there would be written quotes, and those would be opened at the Board of Commissioners meeting. At \$75,000 and above there would be formal written bids with advertisements required. Some other highlights are that we would buy made in U.S.A. products, if they are available. Faxed bids would be okay, if they were sent the same day the bids by mail. All contracts over \$1,500 would require the Commissioners approval, and there is a 10% price preference for recycled materials. Those latter provisions are right out of the state code. The small purchases item is at your discretion. Not allowing bidding, and talking to the Commission President, that figure, \$500 is one that she suggested, but that is your discretion, up to \$25,000. There are a number of other

provisions in there and if you have any questions, I didn't know how much you wanted to go through. They are consistent with the State statutes on purchasing, and they are very similar to what the city has and the first provision on \$500. I am not sure what the city uses now.

Phil Lawrence: \$300.

Kevin Winternheimer: \$300? So, it is pretty close to what the city is doing.

President Fanello: When I was rereading it this afternoon, I had a couple of small things. On page 14, under County Department Responsibilities, I thought that item four, the first sentence, if we could say, and the paragraph starts off that each officeholder and/or department head shall, and I would like for that sentence to read, obtain a purchase order for all goods and services, because currently I don't think a lot of departments use purchase orders, and I know that is what the paragraph says, but I thought in order, in keeping with the grammar of the previous, numbers, it made more sense to say that as the first sentence, obtain a purchase order for all goods and services.

Commissioner Mourdock: Where are you inserting that?

President Fanello: Page 14.

Commissioner Mourdock: Oh, 14, I thought you said 13.

President Fanello: The first sentence on item four, and then all purchases require a purchase order with all appropriate information. I am not sure, but we might want to add including price quotes so that they, I don't know if they attach their price quotes right now to the requisitions. That was always a practice in the city which proved to be a very helpful practice at times and the Auditor, I don't know if the Auditor, do you get the purchase orders and requisitions? The purchase orders go down to Purchasing, who gets them first? I know that you guys see them at some point in time.

Suzanne Crouch: The offices get them from Purchasing.

President Fanello: Okay and I thought that maybe on page four, where it says all contracts for services costing \$1,500 or more must be in written form, I think that is excellent to have in there, but I didn't know if we wanted to say something that services in general costing a certain amount should be in written form to protect the counties interest, you know, from any kind of liability. Because I have experienced over the past year, noticing that some departments are getting, what I call, contractual services, and not getting any type of written agreement, and spending several thousands of dollars with these contractors. That doesn't protect our liability, you know, protect us from liability, and protect our interest. So, I didn't know, it says all contacts or services, but I am not sure that everyone will take that to mean that all services require a contract, over a certain amount, require a contract.

Kevin Winternheimer: Do you want to eliminate the dollar amount then? The costing \$1,500? Do you want to eliminate that, and say all contracts for services must be in written form?

President Fanello: Could we say, well, I was actually going to give them a little leeway, because I am not sure that we want to see every nickel and dime service in

the form of a contract, but I didn't know if all contracts for services, if that implies, well, there has been a couple of departments that who just don't get contracts for services. So, I didn't know if we could say something that you have to get some type of written agreement if you are going to spend this much for a service. I didn't know, I mean, I understand it that way, but I didn't know if that would be clearly understood by everyone reading the paragraph.

Commissioner Mourdock: Are you differentiating between a service and say a hard, physical product?

President Fanello: Yes, this is dealing with just services. I mean, goods. I mean, we differentiate between the policy, between goods and services, and I am just talking about services. I am talking about spending money with some type of consultant and not getting any type of written agreement, which, I think, is bad for us.

Commissioner Mourdock: I agree. I guess, when I read it, the conflict that came to my mind, and I am not sure that it is a conflict, it seems kind of ambiguous and maybe that question of purchases of a hard product verses purchases of a service are what need to be better differentiated. We have always said that when it came to professional services, those did not need to be bid.

President Fanello: I am not saying that you bid them, I am saying—

Commissioner Mourdock: Okay, but is that, I can read this to say that is what this is saying.

Kevin Winternheimer: No, that is not what it's saying.

President Fanello: No.

Commissioner Mourdock: Okay, when you are talking about items A, well section .030, Competitive Bids, Quotes and Price Checks, those are specifically for products. At least up until the point of subparagraph H, which is specific for services from that point on.

President Fanello: Yes, which says services are at the discretion of the officeholder/department head.

Commissioner Mourdock: That seems ambiguous to me. It seems that we are trying, you are trying to put a clamp on it, and I don't disagree, I just want to make—

President Fanello: Well, we could go back to this section, which follows, basically, state law, to a certain extent, except for our \$500 thing, but this follows state law, and that deals with goods only. So, if we need to clarify that as an opening sentence.

Commissioner Mourdock: Yeah, or even another subsection or something.

Kevin Winternheimer: You told me (Inaudible), because it says in "H" that competitive bidding is not required, unless mandated by state or federal law. So, if you want to move it to a separate services section, I can do that.

Commissioner Mourdock: Yeah, and it almost seems to me that it makes it clear and transparent to do it that way.

Kevin Winternheimer: Okay.

President Fanello: Okay.

Kevin Winternheimer: Okay, and then we will, Commissioner Fanello, on yours, as written, it would only require written contracts, and then be reviewed by the County Attorney if it is a service contract of \$1,500 or more. Okay, but it does have to be in writing if it is \$1,500?

President Fanello: Yeah, I want to say that if they are going to go buy services from somebody with a consultant for \$1,500 or more, then they have to get something in a written agreement.

Commissioner Mourdock: Let me jump in there again, and I don't disagree with you, and I am trying to make the point a little differently. It is only the County Commissioners that can contract for services, is it not?

President Fanello: Yes.

Commissioner Mourdock: Well, this language that starts out, a governmental body, what does that mean? It seems to me, and I know that is just quoting statute, but it seems to be that by putting that in there it further muddies the water. If, Catherine, if you are saying that this body shall contract.

President Fanello: Well, that is our legal authority. I don't know that we need to say that, we are the only ones that can contract. You are saying that it may give them the idea that they can go and contract?

Commissioner Mourdock: Precisely.

President Fanello: Well, he has this sentence, under no circumstances is a county officeholder or county employee to sign contractual agreements of any kind without the Board of Commissioners approval.

Commissioner Mourdock: But, even so, I don't think that is technically accurate, because I don't think they can sign them. I think they are for us to sign. I mean, we have argued, we have had that discussion here before us, in the last year. It seems to me, it's still, they may bring it to us, but it is still this Board that needs to sign them, and that is what I am trying to clarify. We are on the same page, we just want to make sure it says that.

President Fanello: Well, I think it says that. But, you are saying that you don't get that?

Commissioner Mourdock: Well, I think it could be read the other way. It may be a minor point.

President Fanello: Kevin?

Kevin Winternheimer: You want, are you talking about governmental body, you are wanting it to say, to change that to, we can say purchasing agency, or we can just say the Commissioners, either way.

Commissioner Mourdock: I don't know that the first paragraph, even quoting statute is necessary. I think the main-

President Fanello: Because it may confuse?

Commissioner Mourdock: Yeah, I think it confuses it. I think the main part is the second paragraph.

Kevin Winternheimer: That's true. The purpose of the first paragraph is to just say that you can use any method, in other words, you are not required to bid them out for competitive bidding.

President Fanello: We could just say, we could leave that one sentence in there, that competitive bidding is not required. We can just take out the statute part because it may be confusing to others who read it. If there is a different amount that somebody wants to throw out there, when talking with Kevin, I threw those amounts in there, but it definitely is up to the Board as a whole to come up with any amount. In order to further clarify, on page five, all contracts over \$1,500 require the approval of the Board of Commissioners, I am wondering if they may read that and think that anything under \$1,500 doesn't require our approval.

Commissioner Mourdock: That is exactly what it says.

President Fanello: So, we may want to change that sentence around a little bit.

Kevin Winternheimer: There you get into the issue of, you know, it is a small item, and do you want to wait for a Commissioners meeting? If the County Garage needs an \$800 something for a piece of equipment, do they want to wait a week?

David Mosby: That wouldn't be a contract.

Kevin Winternheimer: Well, technically it is, in the broad sense of the term contract, any agreement to do something to buy something is technically a contract. So, it depends on, do you want them to have to wait to come to you? Or what kind of discretion to you want to give them? Do you want to raise or lower the limit? It matters not to me.

President Fanello: Maybe in that one, I would just say, all contracts require the approval of the Board of Commissioners. But, anything over \$1,500 must be, any kind of service over \$1,500 must be in written form, but it is a lot of different services that you could go out there and buy, and not all services, you are going to get some type of-

David Mosby: But, what if you have an emergency?

President Fanello: Well there are procedures. There are statutory procedures in place for emergencies. I mean, you can buy things under an emergency situation that don't require approval.

Kevin Winternheimer: Again, the question is, you do need to give your department heads some latitude so that they are not shut down without convening a Commissioners meeting to say, yeah, you can go ahead and buy that \$700 piece of carburetor for a truck or something. Where, they could just do it. You could raise or lower, you can make it-

President Fanello: I am just talking about services here, I am not talking about goods.

Kevin Winternheimer: Well, the section that you are talking about talks about applies to purchases.

President Fanello: I see, well, maybe we need to further clarify that one then, between goods and services.

Commissioner Mourdock: Okay.

President Fanello: That way everyone will understand.

Commissioner Mourdock: Now, there is a big statement, everyone will understand.

President Fanello: Yeah, okay, forgive me. Other than that, I don't really, I am fine with it.

Commissioner Mourdock: The \$1,500 is referring to products or services, you are saying that is services?

Kevin Winternheimer: No, I am referring to products, under K, we are going to take services out and make it a separate section.

President Fanello: Yeah.

Kevin Winternheimer: I will find an appropriate number and make it a separate section. This would have (Inaudible. Talking over each other.)

Commissioner Mourdock: This would go with the section in front of services as it's listed in here now. I might even go to \$1,000 on that one. I mean, I think there is some latitude with \$1,000, but it is a minor point.

Commissioner Mosby: It is not hard to come up with \$1,000.

President Fanello: It doesn't matter to me, I am just trying to find some kind of guideline.

Commissioner Mosby: I am okay with the \$1,500, possibly \$2,000.

Kevin Winternheimer: How about for clarification, we change all contracts to all purchases over, is that okay?

Commissioner Mosby: I think they will understand it more, if you say purchases. Yeah, that is a better way of saying it, all purchases.

President Fanello: Okay. Are there any other questions, comments?

Phil Lawrence: Phil Lawrence, Purchasing Department. After the ratification, are we going to do any kind of formal or informal training? So, that folks know what is expected, and how to handle the procedures?

President Fanello: I think that-

Commissioner Mosby: I think that would be the best thing.

President Fanello: Yeah, I think so, too.

Commissioner Mosby: I think whoever is the buyer or whatever for each department ought to sit in on it.

Phil Lawrence: I agree. That was going to be my suggestion.

President Fanello: That is fine. We can do that, and you would be willing to chair that meeting, wouldn't you?

Phil Lawrence: Most definitely.

Commissioner Mourdock: On first reading then, I move approval.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

President Fanello: Yes.

**(Tape Changed)**

**Appointment for the Southwestern Indiana Mental Health Center**

President Fanello: The next item is the appointment for the Southwestern Indiana Mental Health Center. My appointment is up in September, and I would like to be reappointed to that board.

Commissioner Mosby: Motion to reappoint.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Appointment for the Minority Owned Business and  
Women Owned Business Utilization Board**

President Fanello: Next is the appointment for the Minority Owned Business and Women Owned Business Utilization Board. I have two names to submit. We need three appointments on that board, but the two names I have are Dorie Lobue and Desni Brannon. Desny is an employee of Bristol Myers, and we all know who Dorie Lobue is.

Commissioner Mourdock: And was there a criteria or criterion established for how we do those appointments? I mean, was it –

President Fanello: Just three people.

Commissioner Mourdock: Just three from the board?

President Fanello: Uh-huh.

Commissioner Mosby: I'll make the motion to accept the two appointments.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: I have a question, though. Obviously, the two you appointed were both women –

President Fanello: No, they're not.

Commissioner Mourdock: What was the –

President Fanello: Desni is a male.

Commissioner Mourdock: I withdraw the question. Say his name again.

President Fanello: Desni.

Commissioner Mourdock: Took that whole argument away.

**Public Comment**

President Fanello: Okay, moving on. Is there anyone in the audience wishing to address the board at this time?

**Old Business**

President Fanello: Seeing none, Old Business? Is there any Old Business to bring before the board?

Suzanne Crouch: Commissioners, I have just some more research on that TIF, Burkhardt TIF area. If I could, after you get that, just draw your attention to a couple points of interest for you. There is a letter attached from Umbaugh, and they did set up the TIF area for the Burkhardt area. If you go to the second page they talk about the TIF fix, and you all had inquired whether there would be lost revenue. And basically, the TIF revenue that would be lost as a result of the school general fund levy reduction would be replaced by an automatic state levy. And local officials really don't need to do anything, the state automatically will put a levy on that district to make up for the lost revenues. The only thing that the local officials need to do is they need to determine how much revenue would be lost so that the state then can set a levy in place that will make up for that revenue. In addition, any changes in your TIF areas or any new areas that you want to establish that would actually have that revenue made up by the state, they need to be in place by January 1 of 2003. So that's the information I have to share with you and it would be up to, I presume, you all to contact the Redevelopment Commission and let them know how you want to proceed if at all.

President Fanello: Alright. Thank you, Suzanne. We'll read over the information and maybe we can discuss it next week if anybody has any questions. One item of Old Business that I would like to bring up, since it's a budget matter is the Welfare to Work. And as you know and have been keeping up over the past week, the additional appropriation for the money that lapsed last year was denied by the Council last week. And we did talk about raising, at the budget hearings last week, I did attend the budget hearings and talked about raising the amount to \$400,000 for budget year 2003. And if you remember, we appropriated or budgeted \$250,000 for budget year 2002, due to the amount of money that Lieberman & Associates had on hand to fund that program. And I believe when I came into office, they had \$1.3 million at the beginning of the year, and so we thought that they had some money to carry them over, and that we didn't need to budget a full \$500,000 for 2002, and continued with that thinking for 2003, not knowing all of the state cuts that were coming down and everything that was happening there. So we did talk about raising it to 400 on the floor. I will be attending the budget hearings tomorrow, because, I believe, that is when they will go in and make cuts, and we'll see exactly where we stand with our budget. I did speak with Gary Heck this morning, and I do plan to file another additional appropriation for them to have money to last them the rest of the year. And we spoke about how much could possibly, what we could get by on for the rest of the year, and with about a \$200,000 appropriation, we could serve approximately 155 kids for 15 weeks. And I just kind of anticipated that the – when the vote would be taken plus when the approval would be back from the State Board of Tax Commissioners, and that would be about September 15<sup>th</sup> through December 31<sup>st</sup>, so we just estimated 15 weeks. At this time, and I was to bring it to this board to discuss, Philip Lieberman is agreeable at this point, to reduce his administrative fees from 15% to 12%. He asked me how I felt about that, and I said well, that's got to be board decision. I thought I would bring that back to this board for us to discuss. So I guess we'll put this on the floor and –

Commissioner Mourdock: So would the reduction be from this point going forward? I mean, effective immediately or is it –

President Fanello: It would be, you know, yes, from this point going forward. I mean, right now, they have no money – I mean, the program is basically, essentially shut down right now. And, I mean, I filed an additional appropriation. I think that would probably be agreeable with the other two, with you all, but I don't know how you feel about the 12%, if we think it ought to be lower than that?

Commissioner Mosby: I personally do. It was never in design for this program to be heavily administrative. I think some of the figures I read that's been going to the administrative cost, I think it's too high. This money needs to be more directed towards the families and putting people back to work. I would like to see Philip Lieberman get their percentage down to 10% or less so that we can be assured, out of \$200,000, that \$180,000 of it is being spent on goods and services and not just administrative cost. If that's not, you know, capable, I think the three of us need to be looking to see how we can administer this program or work within the city and the county to administer this program. And that's one thing that I would propose. I guess, the other thing I'd like to say is I've had conversation over the last 24 hours with the finance chairman of the city, and the finance chairman of the city is very willing to go in and talk to the mayor about joining partnerships with the county in Welfare to Work. He is more than willing to go in and talk with the mayor about appropriating money towards this program to work with us, along with the \$250,000 or whatever we decide to appropriate. The city would put money into this, beings probably more city residents gain from this program – and I don't know the

percentage of city and county people using the program, but as long as city people are using the program, they can put money into the program. And they have Riverboat dollars to do that. So the finance chairman right now is in the process of bringing this up to the City Council tonight and is going to be talking with the administration to see if they would be willing to join partnerships with us. So I think that will give us some more relief maybe next year that we'll be able to probably fund, you know, this Welfare to Work. In talking with them, they are very interested in getting people back to work. And it's like they said, this is one program that gives everybody that ability to go to work and that's what we need to be looking at and I'm looking more at that end of it, Welfare to Work, the daycare part of it, and I'd like to see the administrative costs come down.

Commissioner Mourdock: Well, I'm glad to know the folks with the City Council, then, are feeling that way about it. Obviously, when the program started, they were of another mind, so I'm glad they've come to that point.

Commissioner Mosby: I convinced them.

Commissioner Mourdock: For whatever reason, I'm glad they came to that point. And honestly, I will say to them, I think it was so radically different than other approaches that had been tried that they were a little hesitant to get involved with it, but now they see it works. And everybody likes to be involved with something that works. So I'll give them credit for making that decision.

Commissioner Mosby: And I will express or specify that we did talk more in the line of the daycare and that is the program that they're interested in because...well, Councilman John sees that as putting people to work and that's what he is interested in.

Commissioner Mourdock: And when we started the program a few years back there were four items, and at that time the childcare was not seen as the largest of the items that would be supported, but its kind of evolved that way and we made the program flexible at the beginning so that the greatest need would be met, and its turned out to be that that's the greatest need. And we were also able to keep it flexible because it was being administered through private hands, through a private company which takes us to the main part, and I think we need to look at it, break it down in sections now. You're saying, David, you'd like to see it at 10%, but we know for sure at this point that Lieberman would continue on at 12%?

President Fanello: He called today and offered to reduce from 15 to 12%. And I told him I would bring that back to the board.

Commissioner Mourdock: Okay, and the questions becomes, if we as a board tonight, say no, we don't accept 12 we want 10, we don't know the answer of what happens next. So –

Commissioner Mosby: I think we've got a month to figure it out.

President Fanello: I mean, by the time we file the appropriation and get a decision, I mean, we can negotiate with him.

Commissioner Mourdock: Okay.

Commissioner Mosby: I mean, if Lieberman don't want to accept that, then, I mean, at the next meeting we just need to come back here and decide which direction we want to head. I just want to see more dollars spent on the kids and the families.

Commissioner Mourdock: And no one would argue with that philosophy. The number of times, and there have been a number of times I've been in Lieberman's office to see how the program, see who is coming through the doors. I will tell you, they run a very effective office. They've done a good job with it, I think. I certainly, if we can save money doing that, I'm not adverse to that. Sometimes it takes a situation we're in to have the bargaining position to bring the price down.

Commissioner Mosby: I guess, and the reason I'm saying that is if we're going, you know, more towards the daycare and cutting back on some of the other programs as they were talking about in the Council, the Council was talking about eliminating a couple of the programs and putting more money into the safety net and the childcare. And if we're going to be doing less, I don't see why we can't bring that 15% - 12% down more to a 10% figure or less.

Commissioner Mourdock: Yeah, I agree. If you put more money in the program, that percentage most likely ought to go down. I totally agree with that. I know the job training provision that went in there originally, that was one that we thought would be very well received, and it's gotten very little, as is the transportation, got a little but not a great deal of use. So where are we with this, Catherine? You, I guess I heard David say 10%, you've been told 12, do you want to go back to him?

President Fanello: I would just like to go back and at least tell him what our discussion was and see if he can even negotiate further down, and if that's possible.

Commissioner Mourdock: And I would move that you have those discussions and I would also say that if we're going to try to take him even lower from the 12% to some other numbers, maybe the caveat to that is to say well, instead of having four services to administer, there will only three –

President Fanello: Or two.

Commissioner Mourdock: – or two, so therefore, your cost of administration should be less, so that might give you some additional argument.

President Fanello: Gary said, you know, depending on how this proceeded in the future, I mean, he would like to go back to the Welfare Planning Council, you know, maybe they re-prioritize, you know, the childcare as a top priority and look at what kind of families or which type of families they accept. And maybe they, you know, come up with different criteria, you know, depending on what the budget is next year. And obviously, it will definitely help if the city contributed towards the budget. And then on the safety net, which is something I did not know, and you may know this but Commissioner Mosby may not, the safety net is for car repair and household appliances, and every referral for that does come from a township trustee. They always go to the township trustee first, and if the township trustee cannot help them, then they pay for it out of the safety net.

Commissioner Mourdock: And it could be for things other than those two items –

President Fanello: Yeah, but they said those were the two –

Commissioner Mourdock: – circumstantial disruption, something that would cause them to otherwise fall back into the welfare –

President Fanello: And those were the two, but if we cut back to the safety net and to the childcare and leave out the other two programs, then we could figure out...

Commissioner Mosby: I have one concern on the safety net because I have seen some of these. I think my biggest concern is that we're spending probably more money on some of these vehicles than possibly what the vehicles are worth. And I'm not downgrading anybody's vehicle, and I know everybody has to have transportation, but sometimes I think when you start spending 700, 800 and \$1,000 on a vehicle that is a 1965 model that you're doing good to keep running, and I've seen this, because I was in the mechanical business and I wrote some of these estimates. And it's not hard to spend \$750 on a car today. I mean, I wrote estimates on cars that needed new motors for 2,500 bucks and they weren't worth 50. So I mean, I guess it's my biggest concern is, who is monitoring this? I mean, just because they get something submitted to them that it's going to take \$800 to keep this car running, I mean, is anybody looking at the age of the car, the year of the car, the condition of the car, you know, the brakes, the tires, I mean, what's it worth?

Commissioner Mourdock: They are looking, they have to have three bids before anything is done. So those bids have to come in, that doesn't directly answer the question you've raised, but there is that check and balance, but I'm not ready to go on the record, and I doubt that you are too, to say, well, if it's not worth \$800 let's buy them an \$800 car.

Commissioner Mosby: I'm not going on the record –

Commissioner Mourdock: I didn't think you were.

David Mosby: But, you know, I'm not sure where I would go with that just that. You know, and I agree they had to have three bids because like I say, I bid some of them, I won't deny that. And I bid, you know, what I thought well, I bid what the job was going to take, but I didn't want to bid what I thought the car was worth because...

Commissioner Mourdock: And I won't argue. I'm sure there have been a time or two when that type thing has happened, and if there's an easy solution or a difficult solution, I'd be glad to hear it, but I think we could get in a situation of throwing out the baby with the bath water if we try to focus in on that relatively rare occurrence.

Commissioner Mosby: I just want to make sure we're getting the best use of our dollar and I'm not sure that we shouldn't be looking more in the line of minor repair where we're doing water pumps and alternators, you know, maybe a set of brakes, but a set of brakes nowadays can run \$400 or \$500, too.

Commissioner Mourdock: Right, maybe what we can do is make sure that the contractor, Lieberman or whomever, adds to that bid sheet the statement that the person doing the estimate, in your opinion, is this repair going to be greater than the value of the vehicle.

Commissioner Mosby: That's what I was getting ready to say. Give me an estimated value of the car and is the repairs going to be greater. And that's why I think I'm

more, I'm not going to say that Lieberman has anybody on staff over there that can do this, but, I mean –

Commissioner Mourdock: No, no, it should be the person valuing the estimate on the repair work.

Commissioner Mosby: I'm looking, I think in line, if we had something with a blue book or black book that could sit here that could say, you know, this car is not worth this kind of money. A lot of times the people repairing it, I mean, they want the repair, so...that's what I'm wondering is how to we get this opinion. And that's just my concern that we don't throw our money away.

President Fanello: Would you like to talk to Gary about that?

Commissioner Mosby: Oh, I'll talk with him about it.

President Fanello: Since you know more or you guys know more about cars than I do, I'll let you guys handle that one. I'll take care of the money part. Is there anything else that, any other comments related to this subject? If not, if we'd like to take a vote as a board, but I would like to go ahead and file an additional appropriation once again for at least \$200,000.

Commissioner Mosby: I will move that we file the appropriation as soon as possible, well, I know we can't get it on – but I'll move we file the appropriation.

Commissioner Mourdock: Second.

President Fanello: So ordered. Is there any other old business?

<b>New Business</b>
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President Fanello: New Business.

David Mosby: I have about three items under new business. The first item I'll mention, I attended a meeting Saturday morning at the West Side Library down on Franklin Street regarding special use docket #17-202-APC, which the applicant is Harbor II, LLC. They have made for a special use on a building at 2013 West Iowa Street, which will be used for either you want to call it a community corrections facility, a safe house, or halfway house. I think that was the three that I heard come out of that meeting. I have drafted a letter and it's not long so I'll read it, and I will ask all three to sign it if agreeable. If not, I can take anybody's name off that don't want to sign it. We are writing to ask, and this will be addressed to Mr. Mills, since we are dealing with the BZA;

Dear Mr. Mills: We are writing to ask that you present our concerns regarding this Special Use Permit to the Board of Zoning Appeals at the time that the request is heard. We do not believe that this location is a desirable one for the intended use. It is in close proximity to an elementary school and many family residences. As well the proposed location is in one of the city's oldest historical neighborhoods, which includes St. Boniface Church and many older homes along Wabash Avenue. We believe this special use would adversely affect the

surrounding areas and it's residents. Please convey our concerns to the BZA at the the time the application is considered.

I've got copies of this, and I've got a copy, the original copy for the Recording Secretary. I would just ask that we would present this to Mr. Mills in objection to Harbor II LLC wanting to put this right smack in the middle of a residential neighborhood. I think, and I am not against the program. I attended the meeting Saturday morning, the meeting probably lasted an hour and a half or so. The neighbors conducted themselves in a very professional manner. There was no screaming and hollering. I will say the meeting was conducted very well by Mr. Lockard and I forget the other lady's name.

Unidentified: Sue (Inaudible).

Commissioner Mosby: Sue, yes, and I thought the neighbors conducted themselves in a very professional manner, and they did talk about meeting with Harbor, expressing their opinions, but not getting into a screaming match, or a name calling, which I think is by far the best. I had that conversation with Mona Jennings the other day. So, but, I do feel for their feelings here, and it is very, very close to St. Boniface School, where a lot of people walk to school. I guess, that's another one of my big concerns, but there is an area for this, I believe, and there's a need for it. I think that was brought out in the meeting that nobody really objected to the fact that there was a need. It's just this is not the neighborhood, and, I think this is what was defeated in Maryland, when Maryland, was that the case that—

Unidentified: There were several, yes.

Commissioner Mosby: —cited? That they tried to put it right in the middle of a residential neighborhood, and the people there said the same thing.

President Fanello: Mike, and I think I was also at the meeting on Saturday—

Mike Lockard: Yes.

President Fanello: —and, I think, their procedures manual, does it not say that they're not supposed to go by, or go within so many feet of a school or church? Someone told me that, and I don't remember if I heard it at your meeting or not.

Mike Lockard: For the record, since I know she's going to ask me, it's Mike Lockard with the West Side Improvement Association. I was waiting for that. There are several regulations. This proposal was originally put out by the Federal Bureau of Prisons, who identified a need for services in Evansville, because there is no longer a place, in their mind, for halfway house prisoners, that are at the Federal level, who are being returned back into the community. Everybody, all the neighbors, as a whole, with no exceptions, have all said that it is obvious that somebody who has served their time, they deserve a right to get back into the community as productive members of society. So, as a result, nobody is against the services. In fact, everybody has very much supported the services. The only thing that anybody has objected to has been the location that they want to put it in. We feel like the location they're asking for is extremely inappropriate. As Mr. Mosby said, you know, real close to it are several dozen extremely expensive historic homes. You've got St. Boniface grade school, you've got Helfrich Park middle school, you've got the West Branch library, you've got the White Oak Manor complex for the elderly. There is at least six parks, that we could count, within about a half mile to a mile radius. Within

the 47712 zip code alone, we've established that there are 44 churches in that area. You know, it's an extremely complex area in terms of residential needs. We don't think that it should be in a residential area. Ms. Fanello, as you pointed out, the contract that the Federal Bureau of Prisons specifies is that it says they are supposed to ensure that the facility is not located in an area where public concern or opposition would have an adverse affect on the community within a half mile radius of schools, daycare centers, and other residential facilities. Everything about this contracts lends it to not be granted in this area. We just want, and we are very thankful that you guys are addressing this, we just want the Bureau of Prisons to know that we're not against their services. We understand the need for the services. The only thing that the residents are concerned about is the safety of their families, their children, their livelihood, and that's why we think in this area it's not appropriate for a residential area. I've spoken with a number of realtors and developers, there's millions of square foot of available commercial footage in this town. This is not the only area that they can go to, and that's why we are very thankful that you guys are addressing this. We would very much appreciate your support, because one of the things that they need for the Bureau of Prisons, they must have support from the local officials, and if you guys are saying, look, we support the services, but not in this area, I think that will assist getting the services in the area, but in a better location than in somebody's backyard. The one gentleman that lives next door, between the wall of his house, and the wall of this facility, is the width of a very small alley. That's how close it is to these people's residences. So, we thank you very much for your support.

Commissioner Mosby: Thank you, Mike. I will, I guess, do I need to make a motion? I'll make the motion that we send this letter to Mr. Mills to pass on to the BZA board members.

Commissioner Mourdock: I'm fine with the motion. I'll second the motion based on the numbers of schools that you referenced, and the daycare centers, but if I were a member of any one of the 44 churches, and the church just used this as a reason not to have it there, I would probably quit going to that church.

President Fanello: So,--

Commissioner Mourdock: (Inaudible) all you like. The church isn't quite meeting it's mission if that's (Inaudible. Talking over each other.)

President Fanello: I understand what you're saying. My main concern is the proximity to the schools, so.

Commissioner Mourdock: Exactly.

Commissioner Mosby: You all got a motion and a second.

President Fanello: So ordered.

Madelyn Grayson: May we make another tape change please?

Commissioner Mosby: Sure.

**(Tape Changed)**

Commissioner Mosby: The next thing that I would like to bring up under New Business is the public notice on open burning emergencies. This was sent down by the EPA, and this actually went in effect Wednesday, August the 7<sup>th</sup>, until further notice. It's a letter that says;

The Board of Commissioners of Vanderburgh County, in order to protect the public welfare and safety during this unusually dry period, and pursuant to Vanderburgh County ordinance 8.12, hereby proclaims an OPEN BURN NO EMERGENCY. This emergency shall be in effect for all unincorporated areas of Vanderburgh County and valid 24 hours a day through 5:30 p.m. August 19, 2002, unless expressly extended for a set period of time by the Board. 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 and 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 no more than \$500.

\$500, not \$5,000.

Commissioner Mourdock: I'll move approval of that, is it a special ordinance, or a letter?

Commissioner Mosby: Yes.

President Fanello: Public notice.

Commissioner Mourdock: Public notice. I'll move approval of the public notice on a ban on open burning.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: This, the EPA said this could be lifted if we was to get rain. I was hoping we might get it this afternoon or tonight, but we didn't, so.

President Fanello: Are we supposed to sign this one, or is there an original in there to sign?

Commissioner Mosby: I think there is several copies. Oh, she's got an original down there, I believe. I think there's several copies.

President Fanello: I think we have it. Okay, I think we have a misspelling there, but-

Commissioner Mosby: I didn't sign it yet. Or she could put it in the packet.

Commissioner Mourdock: Do you want me to sign this one?

President Fanello: I don't know if you want me to type another one or not. Anymore New Business?

Commissioner Mosby: One other part of New Business here. I believe both of you should have found on your desk a resume that I left there today, along with a copy of a letter that I was going to bring up tonight. I have found a gentleman who I would like to appoint to the County Garage as Highway Superintendent. I believe you will see in the resume that this gentleman does have a Bachelor of Science and Business Management degree from the University of Southern Indiana. He also has a Master of Public Administration from Indiana State University, Terre Haute, Indiana. He also attended the Army School of Management at Rock Island, Illinois. He's got a long list of computer experience. A long list of administrative experiences from Crane Naval. The gentleman was in the United States Army from 6/67 to 1/70. Served in Vietnam from 1/68 to 1/70, and is Honorable Discharged. I would like to make a motion that we would appoint Dennis Hudnall as the Superintendent of the Highway Garage. I do have a pink slip that I would like to submit for him into the record tonight, which he will start on Monday? He would start as Superintendent of the Garage on Monday, and Mr. Haskins would go back to Administrative, or his Assistant.

Commissioner Mourdock: You made reference to a letter, David. I have the resume, but just for the record, if we're going to submit it, we need a copy of the letter.

President Fanello: Is there a letter? Or just a resume?

Commissioner Mosby: No, the resume is what I was going off of.

Commissioner Mourdock: Oh, okay. I thought you said resume and a letter.

Commissioner Mosby: I'm sorry. I might have said letter, but I just meant the resume where he had written out various jobs that he had did. Mr. Hudnall is with us tonight. So, if anybody's got any questions. Dennis is sitting right here as the unknown guest. If you want to ask him any questions, he said he would be more than willing to answer any questions you might have.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: No. The logical question is why does anyone want to be Superintendent of the Highway Garage? Right, Reggie?

President Fanello: Especially with all of those qualifications. If nobody has any questions. You made a motion, is that correct?

Commissioner Mosby: I made a motion that we would appoint Dennis starting Monday, and I've got his pink slip here.

Commissioner Mourdock: I will second.

President Fanello: And I will say so ordered.

Commissioner Mourdock: And wish you luck.

Dennis Hudnall: Thank you very much.

President Fanello: Thank you.

Dennis Hudnall: Thank you.

Commissioner Mosby: Thank you for coming down, Dennis. Appreciate it. I guess, there's a pink slip there for everybody.

President Fanello: Okay. Is there any other New Business from either Commissioner?

Commissioner Mosby: I think I'm all out of New Business.

President Fanello: Alright.

<b>County Engineer</b>
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President Fanello: We will move on to department head reports. County Engineer.

John Stoll: I would like to go to County Council to make several transfers and appropriations. First, I would like to appropriate \$1,610,000 in University Parkway Bridge Account number 2030-4404. This would cover the construction cost of the bridges out there on the University Parkway. Combined with the million dollars that was recently appropriated, this would cover our construction cost based on the grant—

President Fanello: For the bridge portion?

Commissioner Mourdock: That's from where, John?

President Fanello: Cum Bridge.

Commissioner Mourdock: Cum Bridge?

John Stoll: Yes.

Commissioner Mourdock: Okay.

Commissioner Mosby: I'll make a motion.

President Fanello: Okay.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I would like to transfer \$4,000 from the Temporary Help Account in Cum Bridge to the Extra Help Account in Cum Bridge. The Extra Help Account is 2030-1990, and this would be to keep Pat Seib working in my office through the upcoming school year.

President Fanello: Do I have a motion?

Commissioner Mourdock: So moved.

Commissioner Mosby: Motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's on the basis, we're estimating he'll be working about 20 hours a week.

President Fanello: Okay.

John Stoll: Next I would like to transfer \$300 from the Communications Account in Cum Bridge, transfer to the Communications Account, that's account number 2030-3141, from the Old Henderson Road Bridge Account number 1541. This would cover our cellular phones. Basically, we underestimated the amount of the bills, and this would cover what we figure would be needed for the rest of the year.

President Fanello: How much was that?

John Stoll: \$300.

Commissioner Fanello: \$300.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I would like to transfer \$200 to the Radio and Pagers Account in Cum Bridge. This is account number 2030-3160. This would also be transferred from the Old Henderson Road Bridge Account number 1541. We had a change in our pager service, and the fees were increased, and that \$200 would cover that increase in fees.

President Fanello: Are these the one's...the pagers on the bid?

John Stoll: Yes.

President Fanello: Okay.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Last I would like to appropriate \$5,000 to the Heather Court/ Pine Place Road and Street Account. This is account number 21, 2160-4825. This would cover the remaining contract balance on that. We had some additional overruns, and we approved the patching a couple of weeks ago, and that would close that project out.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval, request acceptance of streets in Section One of Stone Creek Subdivision. This is 603' of Seib Road. This would be the reallowing portion of Seib Road that was being constructed as a part of that subdivision. This is also 653' of Clippinger Road, and 604' of Chatteris Road. It's requested these be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, Bernardin Lochmueller submitted a packet of information to me that is needed to get the permits for the sanitary sewer that will be constructed in conjunction with the University Parkway Project. We have to make a permit application to IDEM, and I would like to request approval to sign this on behalf of the county so we can forward this on off to IDEM.

President Fanello: Do I have a motion?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request your approval to work with the County Attorney to try and develop some standardized encroachment procedures. We routinely are dealing with numerous encroachments in right-of-way everywhere. Right now the ordinance is kind of vague, and, basically says that nobody shall do anything in the right-of-way without the permission of the Commissioners. We're routinely having things like subdivision entrance signs, and things like that encroaching in the right-of-way. We've had some encroachment agreements developed in the past, but the format of those hasn't really worked very well in regard to some of these subdivision signs, in particular. On that basis, it's requested that you approve me working with Kevin to try and come up with a better way of dealing with these encroachments in right-of-way.

Commissioner Mourdock: Let me just clarify that, John. You said, for example, like the subdivision signs, and I do recall a couple where there will be a brick sign that for whatever reason—

John Stoll: Right.

Commissioner Mourdock: —and then you said something about having the Commissioners involved. You're not suggesting that we're writing up a document that is going to usurp having the Commissioners involved?

John Stoll: No.

Commissioner Mourdock: Okay, because you're just looking to put together a document that would still come to this branch?

John Stoll: Right, we would bring it to the Commissioners for final approval.

Commissioner Mourdock: Okay.

John Stoll: It's just we haven't really had a good, standardized way of dealing with it. Just drawing on Kevin's background with the city, I know they've basically just had an encroachment permit that was signed off on through the Board of Public Works.

Commissioner Mourdock: But, I presume that's more like a temporary easement? That type of thing?

Kevin Winternheimer: Not necessarily. They can go on and on, for years and years, and be revoked, in this case by the Board of Public Works. What John is talking about is just working down the boiler plate—

Commissioner Mourdock: Okay.

Kevin Winternheimer: —so that we don't have to negotiate, necessarily each one. We tell them this is, insurance requirements, things like that.

Commissioner Mourdock: Okay.

Kevin Winternheimer: Safety requirements.

Commissioner Mourdock: So, it's something different than what we were talking about last week, which was a temporary easement.

Kevin Winternheimer: Yes.

Commissioner Mourdock: Okay, I thought you were trying to do the two as one.

Kevin Winternheimer: We just want some guidelines, and then that way he can give them to whoever may ask. Whether it be a sign for a company, or a subdivision sign, or whatever. Not just signs, they would cover more than that, but just some general guidelines, saying this is what the Commissioners will require, and then they will bring it to you each time for approval.

Commissioner Mourdock: But not something temporary? You're looking for a longer term.

Kevin Winternheimer: It would probably apply to both, actually, and be revokable by the Commissioners at will, is what we are going to put.

Commissioner Mourdock: Oh.

Kevin Winternheimer: So, if you ever need to—

Commissioner Mourdock: I'll look forward to seeing it then.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: I'll reserve what I'm going to do then, but I'll move that we go ahead and have John work with the attorney.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Okay. Next, I would like to request approval to hire RQAW for the design of the St. George and Oak Hill intersection. (Inaudible) do the drainage improvements as well, in conjunction with the Ivy Meadow Subdivision. I don't know if you recall that from the past year, but, originally, the project was just going to be an intersection project, add turn lanes, and a traffic signal. Once Ivy Meadows Subdivision came into play, there was additional storm water runoff going down to the intersection of Rode and Oak Hill, as well as St. George and Oak Hill. So, really it needs to be a drainage project and an intersection improvement project.

Commissioner Mosby: I'll make a motion to approve RQAW.

Commissioner Mourdock: Second.

President Fanello: Second, or so ordered. You seconded.

Commissioner Mourdock: I'll go ahead and so order it.

Commissioner Mosby: Say so ordered next time.

John Stoll: Also, I would like to request approval to hire American Consulting to perform studies on Carpenter Creek to find out what improvements would need to be made to Carpenter Creek, and whether or not try to develop some mechanisms from the county to try and come up with a way to get the work done. Whether it's a phased construction over a prolonged period of time, or what, kind of remains to be seen, but be a study just to define where the problems with the creek are, and what we can do about them.

Commissioner Mourdock: How much are you talking about?

John Stoll: As far as the design contract?

President Fanello: You're wanting to negotiate a contract, is that?

John Stoll: Correct. Are you talking design wise?

Commissioner Mourdock: I'm talking dollars.

John Stoll: Dollars for design, or dollars for construction?

Commissioner Mourdock: For whatever you want to talk to American Consulting about.

John Stoll: That would be something we'll have to talk with the consultant about. I'm not sure just yet.

Commissioner Mourdock: Is it a certain span of the creek? I mean, you're not talking about—

John Stoll: City limits on south.

Commissioner Mourdock: Okay.

John Stoll: Down Bayou Creek.

Commissioner Mosby: Commissioner, I'll comment on this briefly. When I sat over in the city, and the City Council did its \$35 million bond issue, Carpenter Creek was noted as probably one of the worst drainage areas in the city of Evansville.

Commissioner Mourdock: Right.

Commissioner Mosby: It was last out of 107 projects, due to the fact that the city really had no way of completing the project, because the crucial part of Carpenter Creek sits in the county.

Commissioner Mourdock: Yeah.

Commissioner Mosby: Carpenter Creek runs to Bayou, and Bayou goes to the Ohio River in two different spots. Until the county cleans up its area, nothing in the city can ever be done. That's why I've asked John to look into this.

Commissioner Mourdock: Yeah. Well, I'm very familiar with it. I've walked a bunch of it at times.

Commissioner Mosby: I would like to see it become a legal drain again.

Commissioner Mourdock: Yeah, I would too, but I don't think it's going to happen.

Commissioner Mosby: I really would.

Commissioner Mourdock: Because of the process that you have to use.

Commissioner Mosby: Well—

President Fanello: And—

Commissioner Mosby: —we had worked with the Surveyor at one time over in the city, and the City Controller was even willing to pay the fee that it would take to become a legal drain. The City Controller, at one time, said we'll just pay the fee for every city resident that lives along Carpenter Creek. Now, that City Controller is no longer there—

Commissioner Mourdock: That would be a novel twist.

Commissioner Mourdock: —I mean, if we could get something like that, you know, I think, being a legal drain would be the best thing that ever happened to Carpenter Creek.

Commissioner Mourdock: Yeah, without question, because, again, if you're not a legal drain, and you have all those jams that are up and down that thing, and we don't have any access to get to them, unless we're a legal drain.

John Stoll: Right. Eventually, we will have to buy easements, or get the property owner to sign off on it one way or another.

President Fanello: Just for clarification, we do have money in Infrastructure, Drainage, Riverboat Account to pay for this consultant, so.

Commissioner Mourdock: Well, you've made the request, John, so—

Commissioner Mosby: I'll make a motion.

Commissioner Mourdock: Okay, I'll second.

President Fanello: So ordered.

John Stoll: That's all I have. Unless you have any questions on anything.

Madelyn Grayson: John, do you have a copy of the Bernardin Lochmueller information?

John Stoll: Yeah.

**County Highway**

President Fanello: County Highway.

Commissioner Mosby: Reggie's sighing relief.

Reggie Haskins: Reggie Haskins, County Highway. I'm pretty sure you all received my reports. I don't have any new business, and I'm open for any questions.

President Fanello: Anyone have any questions

Reggie Haskins: For the last time.

Commissioner Mourdock: (Inaudible) state nicely.

Commissioner Mosby: Thanks for the interim job. Appreciate what you did at the Garage.

Reggie Haskins: No problem. Any time.

Commissioner Mosby: You still have four days to go.

Reggie Haskins: Okay.

Commissioner Mosby: You're not out of the woods yet.

Reggie Haskins: Alright.

President Fanello: Any other questions?

Commissioner Mosby: I don't have any questions.

President Fanello: Thank you, Reggie.

Reggie Haskins: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: I have no report tonight.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: The only thing I have is a late travel request. They thought they turned it in last week, and I let them know that they didn't, so.

Commissioner Mourdock: I'll move we add the travel request—

Tammy McKinney: It's for Pigeon Township Assessor.

Commissioner Mosby: Oh, okay. Second.

Tammy McKinney: It should be somewhere in front of you.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. A couple of things, I guess, one of them was an interesting fact is that, I think, it's the first summer that we never was closed because of rain at the park.

President Fanello: That could be good. That could be bad.

Steve Craig: We wasted our money on our rain passes, but I guess that's a good thing, at this point. Give us a chance this week, with us being closed down, to do some minor repairs that we needed to do to the pool and that. I've got my worksheet, and that's probably about all I have. One thing that Dave and I talked about was having a customer appreciation day, and we're going to try to work some things out to show the customers and that, you know, we appreciate them coming out here, and designate a day. I thought it was a good idea.

Commissioner Mosby: I'll just briefly, I had talked with Gary, and since we've had a remarkable summer at the park, Gary asked me about this, doing a customer appreciation day. I talked with Steve about it. Steve thinks it would be a good idea. The day you gave me was a Saturday?

Steve Craig: The Saturday before Labor Day.

Commissioner Mosby: Before Labor Day, since it's usually not that crowded, we would do a half price, \$3 customer appreciation day.

Commissioner Mourdock: How do you define the customers? Are you talking about commercial customers who have rented the buildings?

Steve Craig: No. It would just be the people that would come to the park.

Commissioner Mosby: Just anybody that would come to the park. I mean, the 2000 a day that's coming every Wednesday, we appreciate their services, or their business. It's just kind of a customer appreciation thing.

Commissioner Mourdock: Okay.

Commissioner Mosby: Wednesday's have went over very well this year. I drove out there, and you really can't get anymore in the pool, so.

Steve Craig: No.

Commissioner Mosby: It's been a good deal.

Steve Craig: It's been about as full as it could.

President Fanello: Steve, you had left these letters in the office, so, I'm going to pass these out to each Commissioner.

Commissioner Mosby: I will make a motion that we do the customer appreciation day on the 11<sup>th</sup>.

President Fanello: Okay.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: Then I'll briefly go, or talk about this letter for a second. Councilman Raben had called me Friday, and I was busy and I called him back, and then he was busy. Then I tried Friday afternoon or evening to get a hold of him, and couldn't reach him. So, I finally did talk to Councilman Raben today, I would say approximately 1:00, somewhere in that area. He was talking about some cuts to Burdette Park in the budget tomorrow. Cutting the CCD down approximately \$300,000. We got into a discussion about the campground, and I believe Councilman Raben has misunderstood Mr. Craig. I had Steve write this down, write this out for me, and I went out and talked to him this afternoon. Councilman Raben was talking about down in the primitive area of the campground, running sewers, and that is not what Steve was referring to. We were referring to the campsites right along the lower edge that right now do not have sewer. The upgrade on the electrical is to split off some of these campsites that are operating off one box. You have two sites operating off one box. We're wanting to put a specific box in every site, plus some additional 50 amp breakers for the new RV's that are coming out that require a 50 amp breaker. That is going to cost more than any \$60,000. We originally put \$190,000 in the upgrade and expansion of the campground, and Councilman Raben was talking about cutting it to \$60,000. So, I wanted Steve to clarify that for me, and I wanted to clarify it here tonight. I think Commissioner Fanello will be going to the meeting tomorrow—

President Fanello: Yes.

Commissioner Mosby: —and can clarify this at the meeting.

President Fanello: And I wanted to, there is something, in relation to this, there is something that's bothering me. I keep hearing rumors about, you know, cuts in the

budget, and then making additions in our budgets in other places for things. I just want to go on the record saying I've not been contacted by any County Councilman except Troy Tornatta and Royce Sutton. There has been no discussion about what's going to happen with our budget. We've got some major things in our budget, and I think it's, I don't know, I think it's pretty bad that, you know, somebody could not get in touch with us, and sit down and maybe go over, at least the Commissioner present, President, who presented the budget to go over some of the cuts. So, I just wanted that for the record, that there has been no communication whatsoever. The other thing that I am hearing is that things are going to be increased in our budget. Other things are going to be decreased in our budget. Now, I realize that the County Council needs to make cuts, but this board passed a budget to pass along to the County Council. I do not think that the County Council should add to our budget, because I don't know that they have the authority to do that. So, I know that there was a budget passed by this board to pass along to the County Council. I have asked the County Attorney to check into that. It really bothers me, because, you know, we set the priorities for Burdette Park, we set the priorities for the roads, you know, as a board, and it's really going to bother me if things are added to our budget without this board approving it. So, I don't think that that's...so, I just, I wanted to pass that along. I don't know how the other two Commissioners feel about that, but I'm not in favor of that whatsoever, because it has not been prioritized by this board. If they go adding things in certain areas, you know, I've kind of glanced over the statute, talked with other people, and like I've said, I've directed the County Attorney to look into that, but, you know, this, actually, the way I'm reading the County Commissioner handbook, is that this board can present a budget for the whole county, if they want to. We don't do that, but County Commissioners in other counties do have more involvement in the budget. You know, I'm just saying communication is the key to success.

Commissioner Mosby: I mean, I'll comment. I will say that, and I agree with you, and we did pass a Capital Improvement Budget, as I talked with Councilman Raben about. I said, if you'll notice, we gave you a Capital Improvement Budget that goes from 2003 through 2006. It tried to spell out a lot of what we were trying to do, and it puts funding behind each one, in a given year. The other thing I will say is, in my conversation with Councilman Raben, and I told him this afternoon, don't misinterpret me, because I have not agreed with you on anything. So, I mean, if he comes out tomorrow saying that I agreed to anything, I did not. When he told me he was cutting, you know, Burdette Park and the CCD from a million one, down to \$890,000, that's why I clarified my phone call with him this afternoon, because I do not agree with what he's doing. I will wait to see what they do in their hearings.

President Fanello: Like I said, communication is the key to success, and I know that the Council has to make cuts. I don't have to agree with them, but don't go adding to my budget without talking to me either. Or to this board, not just me, this board. So, anyway.

Steve Craig: I did have my worksheets.

Commissioner Mosby: Thanks for the time this afternoon.

Steve Craig: Yeah, and I hope the letter did explain to you what we had talked about earlier. Thank you.

Commissioner Mosby: Thank you.

President Fanello: Thank you, Steve.

**Soil and Water Conservation Board**

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

Commissioner Mourdock: I think Mike Wathen's here for Soil and Water.

President Fanello: Oh, I'm sorry, Mike, you are here.

Commissioner Mosby: I seen him walk in earlier.

Mike Wathen: Mike Wathen, Soil and Water. In addition to the report that you have in front of you, I wanted to keep you abreast of a couple other things. We presently have 29 local ordinance issues that we've dealt with, 15 Rule Five sites that we are presently working on. They are all in various steps of progress. Those would include; Fenway Park, Liberty Estates, Arrowwood, Ivy Meadows, Amhearst, Grant Hill, Fawn Creek, which was formerly Leo's Place, Wynnfield, Windemere, Windham Hill, McCutchan Court, Timber Park, Eastbrooke Mobile Home Park, Clear Creek, and Woodgate. Those are the one's that Norma and I are working with, in cooperation with IDNR Rule Five. Brought some pictures along of some of them. It's my understanding that you guys had some questions, I think, on a couple of them at one of the other meetings. Maybe one of them was Windham Hill perhaps?

Commissioner Mourdock: It might have been at Drainage Board, yeah.

Mike Wathen: I was going to say, if anybody's got any questions on any of those, I would be happy to answer them.

President Fanello: Are there any questions right now from the Commissioners?

Commissioner Mosby: I guess, they got it all worked out.

Commissioner Mosby: The only thing, it isn't a question for this evening, but just on-going, is the gentleman, is it Railes? Is that his name at Windham Hill?

Mike Wathen: That owns it?

Commissioner Mourdock: Yeah.

Mike Wathen: Scott Railey.

Commissioner Mourdock: Scott Railey, yeah. He last time said he was going to go above and beyond to straighten out the problem he had, and just hope he does it.

Mike Wathen: From an erosion control standpoint, I can tell you that the last on-site evaluation that we filled out on that site was favorable.

Commissioner Mourdock: Right.

Mike Wathen: If you didn't receive a copy of that, I can see that you get one.

Commissioner Mourdock: No, this is, his comments were post that report.

Mike Wathen: There's a line that, you know, we look at, the difference between drainage and erosion control, but I can tell you from an erosion control standpoint, I think we're satisfied with, at this time and space, with what's been done out there. The one picture that you have in front of you is the detention pond at that site. The reason they've draught it down, is they're going to try to dip some of the sediment out, and there could be a restrictive flow inlet added to it as well. So, no, from an erosion control standpoint, I think Scott's done what we've asked him to do.

Commissioner Mourdock: Okay.

President Fanello: Are there any other questions for Mike?

### **Ozone Officer Report**

Commissioner Mourdock: I'll move we accept the Ozone Officers Report—

Mike Wathen: Thank you.

Commissioner Mourdock: —into the record.

President Fanello: Thanks, Mike.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

Commissioner Mourdock: With the one addition to the Consent File, I would move acceptance of Consent Items.

Commissioner Mosby: I have question, I guess, on the Consent Items, are we going to, Vanderburgh County Auditors office—

Commissioner Mourdock: Oh, yes, the map.

Commissioner Mosby: —wanted to know about the map, and whether it is to be sent to the County Garage for auction—

Suzanne Crouch: Thanks, definitely.

Commissioner Mosby: —or whether we go to Bosse High School. I don't know.

Kevin Winternheimer: I'm sorry. I'm not familiar.

Commissioner Mosby: There's an old map of Vanderburgh County that is no longer being used in the Auditors office. Bosse High School wants it. So, can we give it to Bosse High School? Or do we have to send it out for auction?

Kevin Winternheimer: No, no. You can give it to another governmental entity. So, if you want to give it to the school, you can give it to the school. All you do is approve it.

Commissioner Mosby: Then I would say that if Reggie doesn't need it, or Dennis doesn't need it at the Garage, that we give, or we donate the map to Bosse High School.

Commissioner Mourdock: I would agree. So, I'll second that.

President Fanello: So ordered.

Commissioner Mosby: I didn't meant to interrupt, but that's all I have.

Commissioner Mourdock: That's alright. With that clarified, I'll move approval of the Consent Items.

Commissioner Mosby: Did we, I just got a question now, did we vote to put Dennis' pink slip in?

President Fanello: Yes, I think, when you made your motion, didn't that constitute--

Commissioner Mosby: Okay.

Commissioner Mourdock: Yeah, we were just clarifying that, yeah.

Commissioner Mosby: Okay. Then I will second your motion too.

President Fanello: So ordered.

Commissioner Mosby: I'll make a motion to adjourn too.

Commissioner Mourdock: So moved, uh, second.

President Fanello: So ordered.

The meeting was adjourned at 7:00 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Knight Assessor	Pigeon Assessor	Center Assessor
SWCD		

**Employment Changes:**

Circuit Court	German Assessor Co-Op Extension	
Knight Assessor	Burdette Park	Prosecutor
Supt. Of Bldgs.	Center Assessor	County Highway

**Sheriff:**

Weekly Jail and Community Correction Reports.

**Auditor:**

Submit Financial, Cash and Expenditure Reports.  
Surplus of Vanderburgh County Wall Map.  
Submit Accounts Payable Vouchers.  
ISDH Community Funding Proposal: HIV Prevention Services.

**Health Department:**

Lease Agreement for WIC Satellite Clinic.

**Perry Assessor:**

Agreement with IKON.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Madelyn Grayson
Phil Lawrence	Michael Dickinson	John Stoll
Reggie Haskins	Dennis Hudnall	Tammy McKinney
Steve Craig	Mike Wathen	Mike Lockard
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded by Madelyn Grayson. Transcribed by Teri Lukeman, BJ Farrell, and Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
AUGUST 19, 2002**

The Vanderburgh County Board of Commissioners met in session this 19<sup>th</sup> day of August, 2002 at 5:29 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, August 19, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes**

President Fanello: Do I have approval of the meeting minutes for August 12<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

**Permission to Advertise Notice of Submission:  
Cum Courthouse Fund**

President Fanello: Bid advertisements, Auditor. Permission to advertise notice, sorry.

Commissioner Mourdock: Yeah, I'll move, unless, Suzanne, do you have any comments on this?

Suzanne Crouch: No.

Commissioner Mourdock: Okay. I'll move that we advertise the submission of the Cumulative Courthouse Fund, as we've discussed in prior meetings.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Final Reading of Ordinance Concerning Temporary Speed Limits**

President Fanello: County Attorney, final reading of ordinance concerning temporary speed limits.

Kevin Winterheimer: Yes, this is a second and final reading on this ordinance. I've heard no negative comments, or any proposed changes, and ask for your approval.

Commissioner Mosby: Is there anybody in the audience that would like to speak?

Commissioner Mourdock: Seeing none, motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Yeah, that's an ordinance, we need a roll call vote.

President Fanello: Oh, roll call vote, Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes.

<p style="text-align: center;"><b>Final Reading of Ordinance Establishing Purchasing Policies and Rules for Vanderburgh County</b></p>
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President Fanello: Final reading of ordinance establishing purchasing policies and procedures for Vanderburgh County. Everyone should have an updated one in their file. Any comments? Things that we, Kevin and I met the other day, we did add something about getting e-mail price checks. That is in there.

Kevin Winterheimer: Do you want me to just go through them real quickly?

President Fanello: Sure.

Kevin Winterheimer: The changes? If you'll turn to page three, and if you've got the copy that I sent around Friday, in the bold and italics are the changes. At the top of page three, this is under purchases over \$500, and less than \$25,000. I added two sentences, and it reads;

The information required above shall be attached to the requisition.  
The purchasing department shall keep a copy of the requisition and attachments for no less than two years.

That would be the quotes and price checks and so forth. They would attach them to a requisition. Then, turning to page four, and if I understood the directions correctly, under G, we are adding e-mail as a possible mechanism, a procedure to quotes, price checks, and bids. If that was your intent?

President Fanello: Probably just for price checks and formal quotes, because I don't think we can take them over bids.

Kevin Winternheimer: Okay, I can make that change.

President Fanello: Yes.

Kevin Winternheimer: To delete e-mail as acceptable for bids?

President Fanello: Yes.

Kevin Winternheimer: I'll have to change G to do that. That's not a problem. On page five, I separated out services, and made it a separate section, 2.25.031. I hope I got this correctly. Let me read the second paragraph;

The County may advertise and/or solicit competitive quotes for any service at the discretion of the office holder or purchasing agent. All contracts for professional services costing \$1,500 or more must be in written form and reviewed by the County Attorney before being brought to the Board of Commissioners for approval. Under no circumstance is a county office holder or department head to sign a professional service agreement over \$1,500 without the Board of Commissioners approval.

We had extensive discussion, and I was hoping that's what you meant.

Commissioner Mourdock: The only question that raises in my mind, and I think somebody used the phrase last time, when we were looking at this, does that not mean then that the office holder can themselves sign—

President Fanello: Uh-huh.

Commissioner Mourdock: —for that purchase of less than \$1,500?

President Fanello: Because they can't sign any contracts in the county. I think the first part is good. I think that's exactly what I want. All contracts for professional services over \$1,500 must be in written form, because currently there are some office holders not getting written contracts.

Commissioner Mourdock: Uh-huh.

President Fanello: But, then, I don't want anybody to get the, just like Commissioner Mourdock said, get the idea that they can sign any contract, at any time, without the Board of Commissioners approval.

Commissioner Mourdock: Right.

President Fanello: So, I think, if we just took out the amount in that last sentence, that would—

Kevin Winternheimer: Okay.

President Fanello: —be okay.

Kevin Winternheimer: Do you want me to eliminate the \$1,500 above in the second sentence of the second paragraph too?

President Fanello: No, I think that's--

Kevin Winternheimer: That's to be left there?

President Fanello: I'm fine with that.

Kevin Winternheimer: So, on the last line then, take out the over \$1,500?

President Fanello: Uh-huh.

Commissioner Mourdock: Yeah, that works for me.

President Fanello: Just so it says, under no circumstances a county office holder or department head to sign a professional service agreement without the Board of Commissioners approval.

Kevin Winternheimer: Okay, I can make that change. Also, in talking to President Fanello, 2.25.032, at the bottom of page five. I put a provision in there on lease of equipment;

No lease for equipment shall be effective or signed by any office holder or department head without prior approval of the Board of Commissioners.

The next change is found on page 14, and there's a change as well as a reorganization. I took the last item and made it the first, just for point of emphasis, and it reads; this concerns departmental responsibilities, each office holder or department head shall;

1. Obtain a purchase order for all goods and services prior to committing the county to the purchase. The purchase order shall contain a description of the goods or services ordered, unit price, vendor, and account number from which the goods or services are to be paid. Verbal orders of goods and/or services are not valid orders. Requisitions shall be submitted to the purchasing department for authorization.

President Fanello: Are there any other questions?

Commissioner Mourdock: Just going back to the very first one we discussed here. I don't know why, but somehow the one about the e-mail just raises some questions in my mind. What page was that, four?

President Fanello: Page four.

Commissioner Mourdock: Yeah, four. So, we're saying we would take faxed quotes by e-mail. We would take price checks, but we would not take formal bids.

President Fanello: No, because formal bids have to be sealed.

Commissioner Mourdock: Right.

Kevin Winterheimer: Well, my, I don't know, whatever you want to do is fine. We're going to take faxed quotes, so, you can take faxed, e-mails. That's, you know, no difference than a faxed quote, but she's right, we do not otherwise authorize, do faxed—

President Fanello: We can't take faxed bids, or e-mailed bids.

Commissioner Mourdock: But, we would take e-mailed quotes.

President Fanello: Yes. I mean, a quote, an informal quote is a quote.

Commissioner Mourdock: Yeah.

President Fanello: I mean, that doesn't have to be sealed. Price checks are not—

Commissioner Mosby: So, you're just going to leave bids off of that line?

President Fanello: Yes.

Commissioner Mourdock: Alright.

Commissioner Mosby: I don't have a problem with that.

Commissioner Mourdock: Okay. I agree it shouldn't include bids. Trying to think of a situation where having quotes or something else would be a problem, but, I guess, I don't see that.

President Fanello: I don't think it would be a problem, unless it has to be sealed.

Commissioner Mourdock: Right. A bid would have to be sealed. I agree, a bid is inappropriate for e-mail.

Kevin Winterheimer: Let me make one more point here. Reading it again, as written here would allow faxed bids. Do you not want faxed bids either?

President Fanello: No.

Commissioner Mosby: No.

Kevin Winterheimer: Okay. I will take that out. By bids, I'm talking about the formal—

President Fanello: Yes.

Kevin Winterheimer: —over \$75,000.

President Fanello: Yes. No faxed bids, and no e-mailed bids.

Kevin Winterheimer: No e-mail bids. Okay.

President Fanello: Are there any other questions?

Commissioner Mosby: If there's no questions, I'll make a motion to approve.

Commissioner Mourdock: Second.

Madelyn Grayson: I had one question, will they not be signing the document tonight? Is that correct?

Kevin Winternheimer: They can go ahead and sign the signature page, and I will get you the corrected, with the changes that they've noted tonight, get you that for your official records.

Madelyn Grayson: And I will need that on disk too, so we can get it on CodeMaster.

Kevin Winternheimer: Not a problem.

Madelyn Grayson: Thank you.

Commissioner Mosby: I guess, I should clarify my motion. My motion will be to approve as amended, with the changes that we just made tonight.

Kevin Winternheimer: Right.

Commissioner Mourdock: And my second to that still stands.

Commissioner Mosby: Okay.

President Fanello: So ordered, and, I guess, we need a roll call vote on this one too. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. Thank you, Kevin, for all your hard work on that.

<b>Agreement for Professional Services for John Goodridge</b>
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President Fanello: Next item, Steve Owens, agreement for professional service for John Goodridge.

Steve Owens: Good evening. I'm asking that the Commissioners approve a contract with John Goodridge, for Mr. Goodridge to handle the weekly activities of the drug court. I've submitted the contract to Mr. Winternheimer for his review. I believe he's reviewed that, sent it back to me, which I forwarded on to the Commissioners. What we propose to fund this through is through the Bond Forfeitures Account that we are currently receiving, and we would ask that the Commissioners approve it as it is written.

President Fanello: Are there any questions?

Commissioner Mourdock: How much revenue do you typically see, Steve, with the Bond Forfeitures?

Steve Owens: Last year we had about \$80,000 in revenue—

Commissioner Mourdock: Okay.

Steve Owens: —which will more than cover this contract, as well as some other things that we're paying out of the Bond Forfeiture Account.

Commissioner Mourdock: Okay, I just want to clarify, because on the compensation section, at least the copy I have, there are two dollar signs, and then it says \$200 per week.

Steve Owens: That's correct.

Commissioner Mourdock: \$200 per week.

Steve Owens: This contract is only until the end of—

Commissioner Mourdock: The year.

Steve Owens: —this year. It's anticipated by Judge Trockman that, in the future, that he may have grant monies that will take over the defense function of that court. If that comes to pass, then I would think that that employee would then become a court employee. We're doing this on an interim basis, until we see how that grant—

Commissioner Mourdock: Okay.

Steve Owens: —comes through.

Commissioner Mourdock: I don't ever recall seeing something come through for an attorney at \$200 a week. So, I wanted to make sure that wasn't a scribner error there.

Steve Owens: Well, it's about a four hour to five hour per week function. It's usually on Tuesday afternoons. It starts about noon, ends usually about 4:00 or 4:30. Mr. Goodridge has agreed to take it at that amount, which is somewhat less than the going rate for the public defenders, just to get the program off the ground.

Commissioner Mourdock: Okay.

Kevin Winternheimer: Just a point of clarification, he will not be an employee, he will be an independent contractor.

Commissioner Mourdock: Right. Right. So, no benefits.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Steve.

Steve Owens: Thank you.

**Public Notice of Declaration of Open Burning Emergency**

President Fanello: Next item, public notice of declaration of open burning emergency.

Commissioner Mosby: Same as last time.

President Fanello: Okay.

Commissioner Mosby: We still ain't got enough rain.

Commissioner Mourdock: And that is certainly true.

Commissioner Mosby: This one is through August the 26<sup>th</sup>, I believe.

Commissioner Mourdock: Yes.

Commissioner Mosby: 5:30, unless stated otherwise, and if we don't get enough rain between now and then, we probably continue it again.

President Fanello: Have another one.

Commissioner Mourdock: Okay.

Commissioner Mosby: If there's no questions, I'll make a motion to adopt.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board?

**Old Business**

President Fanello: Old Business. First item of Old Business is community corrections. I want to give a copy of this to the Sheriff, but I had Patty in our office do some research, and kind of put together some facts and figures of other community corrections across the state. Not necessarily wanting to go through each line here, but some interesting information as to the size of some of the programs, and how they are funded. Would like for everyone to take a look at this information, and we can talk about it next week. Just some helpful facts and figures to help compare our community corrections program with others across the state.

Commissioner Mourdock: Okay.

President Fanello: Go ahead.

Commissioner Mourdock: Just FYI, the Community Corrections Advisory Board met last Thursday, and had a discussion on a number of issues, including a mission

statement as to what that group thinks the facility ought to be. We ended, at the end of that meeting, a Mr., I can't think of his last name, Brad, Russ—

Brad Ellsworth: Woodson.

Commissioner Mourdock: Woodson, made the comment that he felt that advisory board should be very involved in providing information, and their opinion to the Commission. So, they asked that each member of the advisory board receive a copy of the draft resolution we had here a couple of weeks ago. I sent that down to Brad's office earlier this week, and I presume it's getting distributed to those folks, so.

President Fanello: I'm not sure, I know that Councilman Tornatta brought it up last week at budget hearings about the Council responding to your request, and I had sent a letter also. So, I'm not sure where they're at on that. I have not heard any information back from the Council.

Commissioner Mourdock: Were they looking at doing it individually, do you know?

President Fanello: That I don't know—

Commissioner Mourdock: Or as a board?

President Fanello: —I wish they would really do it as a board, and come to a consensus.

Commissioner Mourdock: I agree. I wish they would too. I think they can only start by doing it individually, but—

President Fanello: Uh-huh. That's true, but I don't know when they plan to discuss that. Sheriff, is there anything that you would like to add right now?

Brad Ellsworth: Not very much. Sheriff Brad Ellsworth. I did have a phone call with Joe Fistrovich from the DOC a week ago, and he was, basically, inquiring what the mood was down here, and if we'd come up with anything else since our meeting. I relayed some of the talk back and forth, and the situation. So, basically, told him we were, I told him about Commissioner Mourdock's poll, or, I guess, resolution, or—

Commissioner Mourdock: Draft resolution.

Brad Ellsworth: Draft resolution, and told him we would get back to him as soon as we could with something. He showed no opposition to having another meeting. He also agreed that it would probably be good to have a person, or some people that were designated, with some kind of bargaining authority to come up and meet with him, as opposed to just what we did here the last time. A couple could go, and come back with information.

Commissioner Mourdock: What's the schedule for Mr. Latessa to get started?

Brad Ellsworth: I don't know if there's a set date yet, Commissioner. I think he was, the days he plans to come down and actually do his assessment is in October sometime.

Commissioner Mourdock: Okay.

Brad Ellsworth: So, but I don't know. There was some talk that he was going to come down before that and address the board, and he was unable to make it. So, I think, October is the month, but I don't know the three or four days.

President Fanello: Okay.

Brad Ellsworth: I have nothing else.

President Fanello: Alright. We'll continue those discussions. Thank you, Sheriff. Just for everyone's information, if they didn't know, there was a survey that went out on health insurance. Patty, when is the next health insurance meeting. September 5<sup>th</sup>. So, I'm assuming all those need to be, everyone knows to have those responses back by then. Dennis Woehler called a few minutes before, probably a little bit after 5:00 today, and reported that Anthem, just five minutes ago, gave him a figure of a 26% increase with the current rates. Welborn's increase is 14.5%, making an average of a 20% increase. He said he's going to get a spreadsheet tomorrow, and said that other alternatives from Anthem are coming. So, not, did not come in lower than what we thought it would come in at. So,--

Commissioner Mourdock: Any idea what the other alternatives are?

President Fanello: That I don't know. He said he would put together...I did not speak with him. He left me his cell phone number, but I didn't have time to speak with him before the meeting started. Like I said, he said he would get us a spreadsheet and other alternatives. I'm assuming other type of health insurance plans from Anthem. Patty, I believe, talked to him. So, anyway, we need to pass this along to the County Council secretary tomorrow. Other item I had of Old Business, a few weeks ago we voted on a tire bid, and, as you know, I voted no. I would like, I did not know if Phil Lawrence was going to be here tonight, but I would like for him to get with Councilman Raben and get a conflict of interest statement filed. He has not filed one for the past few years, and we have awarded him a tire bid, and he needs to get that on file as soon as possible. There are other members who need to also get conflict of interest statements on file, so, I would urge them to do that before we perform any work with them. Other item, unless anyone has any questions?

Suzanne Crouch: Commissioner Fanello?

President Fanello: Uh-huh.

Suzanne Crouch: I had this to distribute.

President Fanello: Okay.

Suzanne Crouch: I forwarded this to Commissioner Fanello, I'm going to keep a copy, on Friday. It's some more information regarding TIF areas, and, Kevin, I think, probably needs to get involved at this point. On the second page it, Gary Malone from Umbaugh that;

Under state statute, tax increment can be used for projects which are in, serving, or benefitting the Allocation Area. If the proposed project is to extend a road beyond the Allocation Area boundaries, but that road would serve or benefit the Allocation Area, it may not be necessary to expand the TIF area. The County Attorney would need

to be comfortable with the project meeting the in, serving or benefitting requirements of the TIF statute.

So, that may be good news.

President Fanello: Well, I did a little analysis this weekend, and spoke with some people on Friday, and I looked at the official bond transcript, and read through it. I believe, and looked through the revenue reports. I believe, and you can correct me, are we taking in about \$1.3 plus in the TIF Fund per year? \$1.3 million.

Suzanne Crouch: I will have to check on that. I know that in December we will take in \$1.1 million.

President Fanello: Okay, so somewhere around over a million dollars. Starting February 1, 2007, we can call those bonds. There's a 1% premium to call up that year, and then, I think, a couple years down the road it becomes a 1/2% premium, and then after a certain time, it's a 0% premium to call those bonds. My thought would be that we first look at retiring debt, before we use the surplus. So, before I commit to using any surplus money for construction, my first thought is to retire debt. So, I would like to get that analysis done first. So, I think this county needs to take every opportunity possible to get out of debt as soon as possible. If we're taking in that much money in a TIF district, I would like to have that much money returned to the General Fund as soon as possible to help with operations. So, as we plan for the future on that, we can take a look at that. Are there any questions? Thank you for forwarding me the estimated revenues last week, and the COIT number. I know you reported to me this morning that the COIT distribution next year would be 11.9, but I spoke with Melissa Henson at the state, or at the Department of Government Finance, and just to let you know, in case you didn't know, that number is supposed to be \$12,934,307 for next year.

Suzanne Crouch: We haven't received that information, so.

President Fanello: She's got a whole bunch of information for us. In fact, she's going to be faxing me some information tomorrow. Just for your information, to stay under the maximum levy we could not raise in excess of \$29.6 million of revenue. Property tax revenue. So, other than that, is there any other Old Business? Do you have anything?

<b>New Business</b>
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President Fanello: Is there any New Business?

Commissioner Mosby: I want to say one thing, and it was brought up in budget hearings last week. It was brought up by Councilman Raben, because me and him did have conversation on last Friday, and last Monday, and I will not deny that. As a matter of fact, I said that this morning.

President Fanello: Yes, but I didn't have any conversation.

Commissioner Mosby: The one thing I want to make comment on, number one is what Councilman Raben said. And number two is to clarify, as far as I know, that

the Council, this Commission has not went back on it's stay at the campground at Burdette Park. That was something that he brought up to, and said as far as the term of stay that had been addressed several years back without the Commissioners, I don't know why we've got back to the long stays. We have not got back to long stays. We still have rules and regulations out there. The other thing that Councilman Raben went on to say is that, and I was the Commissioner he was talking about, he says, but a comment was made to me by a Commissioner that he didn't want to disturb the people staying the summer, and the jockeys that were living out there the course of the summer. I, in no way ever told Councilman Raben there was any jockeys staying at Burdette Park. I told Councilman Raben that there was an agent for two jockeys that stayed at Burdette Park for the last four or five years. By-passed Audubon Park to come to Burdette Park because they love it. The jockey agent brings his wife, and his grandkids, and buys season passes to the pool. So, we are collecting quite a bit of revenue from this one gentleman. But, to correct that, he is not a jockey, and there is no other jockeys staying out there, and we're not making any special provisions. Since we weren't allowed to talk at the meeting last week, I couldn't clarify that. So, I would like to clarify it today.

President Fanello: Thank you, Commissioner Mosby. Is there any other New Business to be brought before the board? If not, we will move on to department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First I would like to request approval to award contract number VC02-08-01, the Elmridge Drive and Congress Avenue Drainage Improvement Project, to Koberstein Trucking for the amount of \$373,743. They were the low bidder on the project.

President Fanello: What was that last...373?

John Stoll: \$373,743.

President Fanello: 743.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered. Would you go ahead and get a purchase order out of Riverboat/Infrastructure/Drainage to encumber that money?

John Stoll: Sure. Next, I would like to request approval to award contract VC02-08-02, concrete repair of various roads, to JBI Construction for the amount of 700, for the amount of \$71,625.40.

Commissioner Mosby: Were they the low bidder?

John Stoll: Yes.

Commissioner Mosby: Why did I recall there being a lower bidder?

President Fanello: I don't know. I don't have my sheet in front of me.

Commissioner Mourdock: Which one was it? I'm sorry.

Commissioner Mosby: JBI.

President Fanello: JBI.

Commissioner Mourdock: And which project?

John Stoll: That was the one we rebid—

Commissioner Mosby: Uh-huh.

John Stoll: —when the previous one had the errors.

Commissioner Mosby: I thought they was...that's fine. You know, I'll make a motion to approve.

Commissioner Mourdock: Yeah, looking at my notes, David, they were about, I'm sorry, about \$700 cheaper. This is a \$30,000, roughly, bid?

John Stoll: Pardon?

Commissioner Mourdock: Is this one roughly a \$30,000 bid?

Commissioner Mosby: No, it's 60 somewhat thousand.

John Stoll: \$71,000.

Commissioner Mosby: \$71,000.

Commissioner Mourdock: Okay.

John Stoll: I believe the next lowest bidder was \$73,000, and that was Concrete Pavers, and then the next one was—

Commissioner Mourdock: Okay, I was looking at the wrong one.

Commissioner Mosby: The first time—

John Stoll: —I believe, TD&O, and—

Commissioner Mosby: —it was \$30,000, and we rebid it, because of the mistakes. I'll make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I just want to bring to your attention that we may need to do an RFP for the construction inspection on the University Parkway Project. We've done some checking, and it appears that the original RFP for the project, which was issued in

1989 just covered design, and right-of-way services, but not construction inspections. So, I'll verify that with INDOT, and then if that is the case, that we do need to do it, then I'll bring one to next Monday's meeting.

President Fanello: Okay. You were working on a couple other contracts we talked about. The one for Ace for Carpenter Creek, and the one for RQAW for St. George and Oak Hill. Have you had any luck in working on those?

John Stoll: I've got a meeting set up with American on Wednesday the 28<sup>th</sup>, and I don't have a meeting set up with RQAW, as of yet.

President Fanello: Okay.

John Stoll: But, I have spoken to their people, and they're checking on their schedules. So, they'll get back with me on when they're available.

Commissioner Mourdock: Refresh my memory, the Ace one was what?

President Fanello: For Carpenter Creek.

John Stoll: St. George, oh, yeah, Carpenter Creek. You're right.

Commissioner Mourdock: But, what was the specific contract with them for?

John Stoll: This would be for drainage study for Carpenter Creek.

Commissioner Mourdock: Okay, that's right. Okay. They are going to tell us it's plugged up with beaver dams, and log dams, and all that.

John Stoll: And illegal fill, and you name it.

Commissioner Mourdock: Yeah, right. Okay.

President Fanello: And we need to get it taken care of, and get it back into working order.

Commissioner Mourdock: So, was there a motion to what?

President Fanello: No, I was just asking where he was on it.

Commissioner Mourdock: Okay.

John Stoll: That's all I have.

President Fanello: Okay. Are there any questions?

Commissioner Mosby: Thank you, John.

John Stoll: Thanks.

**County Highway**

President Fanello: County Highway. We have our new Superintendent with us tonight.

Commissioner Mosby: I asked him if he'd quit yet. He said, no.

President Fanello: I did too. I said how was your first day? You haven't quit yet, have you?

Dennis Hudnall: Well, my first day went great. I don't have too much to report. You have a copy of the report here. I would like to know if you need any other information on this report? I would be glad to put that together. Sorry I can't report too much of it right now, because with one day on the job, I need a few more days.

President Fanello: That's okay. We'll give you a few more days.

Commissioner Mourdock: You've got one week. Not a problem.

Commissioner Mosby: And we do have a meeting Thursday morning at 9:00.

Dennis Hudnall: Yes, sir.

Commissioner Mosby: I don't know, where are we meeting?

Dennis Hudnall: Teamsters. On Walnut Street, the Teamsters office.

Commissioner Mosby: I don't have any questions.

President Fanello: Okay. Any questions? Thank you, Dennis.

Commissioner Mosby: Thank you, Dennis.

<b>County Attorney</b>
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President Fanello: County Attorney.

Kevin Winterheimer: No report.

President Fanello: Do we need, oh, I'm sorry.

Commissioner Mourdock: Excuse me, were you asking Kevin a question? I have a question for Kevin.

President Fanello: I was just saying, it was his turn.

Commissioner Mourdock: Okay, just a quick question for Kevin. Have you had any chance, or has there been any more discussion with the Youth Care people about possible youth detention?

Kevin Winterheimer: No. I'm putting that contract together. I haven't put it together. I have talked to them, but I just haven't written it up yet.

Commissioner Mourdock: Okay. Alright.

Kevin Winterheimer: You should be getting that shortly.

Commissioner Mourdock: Okay.

President Fanello: And as we do that, we still need to get onto the Council, because the day that I was over in Council, they were going to talk about putting some representatives together from the Council to get with us to make a comparison, a financial comparison of build our own, or contract out. I know that there were several Councilmen interested in that. I think Councilman Tornatta was one of those, and he's in the audience. So, we need to get them to either get a meeting, or get some information together. Or make a decision. Something. I believe we will need a short Executive Session next week.

Kevin Winterheimer: Oh, I'm sorry. That is correct.

President Fanello: Okay.

Kevin Winterheimer: I have some personnel issues, and we might as well put down some litigation, as well.

President Fanello: Yes, there's litigation, and I don't know if there will be anything to report on real estate, so we might want to put that in there as well.

Kevin Winterheimer: Okay.

Commissioner Mourdock: I'll move then that we have an Executive Session at 5:00?

President Fanello: I think that would be adequate.

Commissioner Mourdock: 5:00 on August 26<sup>th</sup> for personnel matters, litigation, and potential real estate acquisition.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: I have a late pink slip from Judge Niemeier—

President Fanello: Okay.

Tammy McKinney: —that I need to add to the Consent Items.

President Fanello: Do I have a motion to add to Consent?

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Tammy.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: I'm Gary Hohman, Assistant Manager of Burdette Park. All we have is our work report to present to you tonight, that you have copies of.

President Fanello: Are there any questions?

Commissioner Mosby: I don't have any.

President Fanello: Okay.

Commissioner Mosby: Thank you, Gary.

President Fanello: Thank you, Gary.

Gary Hohman: Thank you.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have Soil and Water and the Ozone Officer's written reports, so, I would move those be added to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

President Fanello: On Consent Items, I believe we will need to pull one Consent Item, and that is Juvenile Court's request for two additional phone lines. We simply do not have enough budget to add any phone lines, and our budget was cut for, cut from the request for next year. So,--

Commissioner Mourdock: I'll move that we delete those items from tonight's Consent File.

President Fanello: Thank you. And we'll just have to, Tammy, I had instructed Tammy earlier to have a conversation with them, and see how they would like to proceed.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: With the one addition, and with the one deletion then, I would move approval of the other Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered. And, if there is no other business—

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered. And, I guess, we'll start Rezoning in five minutes.

The meeting was adjourned at 6:00 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department	County Assessor	Public Defender
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**Employment Changes:**

Co-Op Extension	Circuit Court	Burdette Park
Sheriff Department	Center Assessor	Pigeon Assessor
VCCC	Recorder	Superior Court

**Request for Service:**

Prosecutor

**Sheriff:**

Weekly Jail and Community Correction Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Steve Owens	Brad Ellsworth
John Stoll	Dennis Hudnall	Gary Hohman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
AUGUST 26, 2002**

The Vanderburgh County Board of Commissioners met in session this 26<sup>th</sup> day of August, 2002 at 5:45 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, August 26<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, sitting in for us tonight, Jay Ziemer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of August 26, 2002 Executive Session Summary Minutes**

President Fanello: Do I have approval of the Executive Session minutes?

Commissioner Mourdock: I'll move approval of summary minutes from tonight's Executive Session. It began at 5:00, ended at 5:40, dealt with security issues, pending litigation, property acquisition, and personnel matters. I think we got all four.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of August 19, 2002 Commission Minutes**

President Fanello: Approval of Commission meeting minutes for last week?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Approval of August 19, 2002 Space Allocation Minutes**

President Fanello: And approval of space allocation minutes?

Commissioner Mosby: So moved.

President Fanello: And you were not here, were you? Second, and so ordered.

**Public Defender: Permission for Approval of Blue Claim for  
Reimbursement for Paralegal Class**

President Fanello: Next item we have is Steve Owen, Public Defender.

Steve Owens: Good evening. The reason I'm here is because we had filed a request for reimbursement to one of my paralegals to attend a training class, and we were told by the Auditors office that we needed to get that approved by the County Commissioners. We send 22 attorneys to training classes, we've sent an investigator to training class, and we have sent the other paralegal to a seminar. This paralegal had signed up for a 16 week training program, and has already paid for that. We were just applying, or asking for reimbursement of that out of our training budget. As you know, or may know, we get 40% reimbursement of all training expenses that we submit, so that even though we're asking that this be reimbursed, the county is going to get reimbursed by 40% when we submit our request for reimbursement at the end of this quarter.

President Fanello: And you have a training line item? You have a training budget?

Steve Owens: We have a training budget line item, and we've been using that, and haven't had any problems up until this particular point in time.

Commissioner Mourdock: So, in a sense, they're not...so, in reality, with the 40% total reimbursement you get, even this educational reimbursement will wind up being 60% paid for.

Steve Owens: Yes, it would be.

President Fanello: Is this just a class that's being taken at random? I guess, or is she pursuing a—

Steve Owens: It's a class that she asked me if I thought might be beneficial to her, and my feeling was, yes, it probably would be. So, I recommended that she take it. I did not indicate we would reimburse her for it, at the time that she talked to me about it. We really didn't discuss that issue. So, it was one of the things that it came through, we thought it would fit within the training budget. That's why we asked for it.

Commissioner Mourdock: Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

Steve Owens: Thank you.

President Fanello: Thank you, Steve. Which reminds me is, Kevin's working on the new personnel policy. We need to get something in there about training.

Commissioner Mourdock: In that regard, you're question, and Steve stepped out, but I know where your question is going regarding whether or not it was part of a formal training program, or a degreed program. I think that has to be an integral part of what we're doing with that—

President Fanello: Right.

Commissioner Mourdock: –training policy.

**Sherman Greer: EMA: Counter Terrorism Response Safety  
Equipment Program Acceptance Agreement**

President Fanello: Next item, Sherman Greer.

Sherman Greer: I have some (Inaudible. Stepped away from mike.) The information that I just handed you, gives you an equipment list of the equipment that the state of Indiana is purchasing for all 92 counties. This is under the weapons of mass destruction, all taken care of by the Department of Justice. We have an agreement, I think, Ms. Fanello, you may have a copy of that agreement that the state provided for us to have signed by the County Commissioners so we could receive the equipment that we've been training for for the last year or so. In Evansville, Vanderburgh County is supposed to receive 655 counter terrorism response kits. All of the people that receive those kits have to be trained under the C.F.R. 1910.120 for hazardous materials, so that they can utilize these kits if we have any type of weapons of mass destruction incidents that may happen within our community. It's up to us as a county itself to, you know, get some of that training done. They did not get the funding and everything for the training, as of right now, but, we have qualified fire department personnel, paid and unpaid, that can teach those classes. Right now we have approximately 285 trained people within Vanderburgh County, and the reason they overestimated is so that if we can get the training for the other personnel within the community to be able to use this. This is for law enforcement people. This is for fire, EMS personnel, for emergency management, and health department personnel, so that they will have kits themselves to respond to any type of incidents that could happen, that may happen within our community.

Commissioner Mourdock: How many kits are you getting? Did you say 600?

Sherman Greer: 655.

President Fanello: 655.

Commissioner Mourdock: And we currently have only 285 people trained?

Sherman Greer: We have, that was the numbers that we collected when we had to do our assessment of our community from the fire departments, law enforcement agencies, EMS personnel, health department, emergency management. Those are the numbers that they gave us at that time. Those numbers have even grown since that time. So, they overestimated on what we would approximately need for our area. There again, because, another thing is, because we are one of the 11 counties within the state that would be a regional type response team. So, that we would be reaching out to the other areas that doesn't have the hazardous materials teams that we have.

Commissioner Mourdock: So, the 285 that we presently have, are those people already set up for gear?

Sherman Greer: They are already trained, yes.

Commissioner Mourdock: And they are all form fitted with their own gear and everything?

Sherman Greer: They have, well, the gear and everything...the equipment, we haven't received this equipment as of yet.

Commissioner Mourdock: Okay, so we've got 285 trained right now that don't have enough equipment.

Sherman Greer: Right. Well, they have, the fire department has all of their equipment. The law enforcement agencies, the emergency management people, EMS personnel, and things of that sort, they do not have these, this type of equipment, but, as we said, with the paid fire departments, and non-paid fire departments, most of them have the equipment that they need for an operations level.

Commissioner Mourdock: So, once we have 940 people, or equipment for, never mind.

Sherman Greer: 655.

Commissioner Mourdock: Yeah, I was adding the two together, but what you just said just sank in. So, we don't have equipment for all those people.

Sherman Greer: Right.

Commissioner Mourdock: Okay. Alright.

Sherman Greer: So, what we need is this agreement signed by the County Commissioners so that we can, more or less, receive our equipment from the state. It's no cost to us, it's all taken care of by the Department of Justice.

Commissioner Mosby: I'll make a motion we sign the agreement.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Sherman.

Madelyn Grayson: Sherman, there's a spot on this agreement where it says delivery site. Are the Commissioners supposed to designate that this evening?

Sherman Greer: Delivery site? Yes, you are supposed to designate that. Yeah, I'll take it.

Commissioner Mosby: Okay.

Commissioner Mourdock: And there's also –

Commissioner Mosby: Put Sherman's office.

Commissioner Mourdock: –a receipt there, when it comes in, you're to notify us.

Sherman Greer: Pardon me?

Commissioner Mourdock: There's also a receipt at the back of it—

Sherman Greer: Yes.

Commissioner Mourdock: —that says when it comes in you're to notify us.

Sherman Greer: When it comes in, we should notify you, and we'll get receipts from everyone that we sign this equipment out to, and then we have to photocopy those, and then send them to the state, so that we have verification of the equipment that we've used, and people that's been trained in those areas.

Commissioner Mourdock: With that many sets of equipment, what do you think we will ultimately have as far as trained personnel?

Sherman Greer: It's really hard to say, sir. Because right now, you know, not everybody from law enforcement is going to need the operations level. Not everyone from the health department is going to need the operations level. It just depends upon how many people that the Sheriff or the Police Chief would have trained in the operations level, and their staff and everything. So, there again, we're hoping that we would be able to fill all 655 within our county.

Commissioner Mourdock: I see you back in the near future with a training request, either being funded more by the State Justice, or by us.

Sherman Greer: No, really, right now, I think that, you know, the state itself has applied for a grant for the training.

Commissioner Mourdock: Okay.

Sherman Greer: But, there again, if we wait for that, we're going to have a lot of equipment that is just going to sit around and collect dust. With the personnel that we have to our availability here in Vanderburgh County, through the Evansville Fire Department, and other fire services, and even private industry that can train into those areas, we'll probably get our people trained up, and be up and operational—

Commissioner Mourdock: Okay.

Sherman Greer: —very soon.

Commissioner Mourdock: One last thing, and I hadn't thought of it until seeing you here, Sherman. Next time we schedule an Executive Session, we certainly don't need to do this specifically for Sherman, but, next time we do that, I would like to have you come to an Executive Session and talk to us about some security issues.

Sherman Greer: Sure.

Commissioner Mourdock: So.

Sherman Greer: Be more than happy to.

Madelyn Grayson: Sherman, would you mind filling this in before you leave?

Sherman Greer: Sure.

Madelyn Grayson: With the appropriate information? Thank you.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the public, or the board? Not the public, the board. Anyone in the public wishing to address the board?

Brad Ellsworth: Good evening, Sheriff Brad Ellsworth. Could you clarify for an office holder, I heard your comments about the training, and training pre-approval and that—

President Fanello: Uh-huh.

Brad Ellsworth: —and before, can you tell me what that's going to mean to an office holder, and our training budgets? Or if every bit of training that we put our people through is going to have to be pre-approved? Or what are we feeling here?

President Fanello: I don't think that's the case. There was a situation that arose earlier this year with another department who had \$10,000, I believe it was a \$10,000 claim submitted to the board to be paid for training. It was actually a program, some type, receiving some type of certificate in computer training, and, I think the decision of this board was, or at least, I don't remember how we all voted, but not to pay that, at that time, because it was a substantial amount of money for one person. The county doesn't have, really, a, I guess, a reimbursement policy towards education. Because he wanted to be reimbursed. So, I don't think it really has to do with what your, the normal training that your guys—

Brad Ellsworth: I remember that event now.

President Fanello: —go through.

Brad Ellsworth: I was just curious if we, as management—

President Fanello: No.

Brad Ellsworth: —say, in law enforcement, or—

President Fanello: No. No.

Brad Ellsworth: —(Inaudible) be decided—

President Fanello: That was not my intent anyway.

Brad Ellsworth: —what kind of training we feel is necessary.

President Fanello: No, that's not my intent.

Commissioner Mourdock: The other incident, if you want to refer to it that way, was actually a couple of things happened. There were two separate instances, and the second one, we reacted to, because of the first one, but, you mentioned, Catherine, about having a training policy, or part of the personnel policy, and I certainly do agree with that. I think that's where this, my personal feeling, this board needs to be

approve, I mean, anything that's outside training, but it doesn't mean that the independent department head shouldn't be laying out in there budget what those things are.

President Fanello: Uh-huh. Right. I mean, my, I would like to see something in the personnel policy about an education reimbursement type deal.

Brad Ellsworth: That changes yearly, and, like I said, before September 11<sup>th</sup>, there was a lot of things we trained to after that date that we probably couldn't have predicted—

President Fanello: Yeah, I don't think it really is in relation to what your talking about.

Brad Ellsworth: Okay. I understand. Thank you.

President Fanello: You're welcome. Anyone else in the audience wishing to address the board?

<b>Old Business</b>
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President Fanello: Old Business.

Commissioner Mosby: I have one piece of Old Business, and that's our public notice of open burning emergency. Since we are still without rain. Rain is not wanting to bless us, they have asked that we set, we extend it to September 9<sup>th</sup>. This is 24 hours a day, through September 9<sup>th</sup> at 5:30 p.m.

Commissioner Mourdock: So moved.

President Fanello: Is that—

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you. Is there any other Old Business from anyone else on the board? Did everyone receive the insurance rates that Dennis Woehler brought by? I just wanted to bring those to everybody's attention to make sure they...he did write a letter stating that;

We are in the process of compiling figures for making changes to the current plans as well as receiving quotes from other insurance carriers.

Because the Anthem increase did come in at 26%. The Welborn increase came at 14.4. So, he is working on some possible alternatives. So, I just wanted everyone to be aware of that. Everyone should have a packet in their office about the insurance rates. Other item being, I had an individual child care provider come to me today after the County Council meeting, and, as you are probably aware of now, they did approve the additional \$200,000 appropriation. I was asked to make this request on her behalf, and she wanted to know if we could possibly also request an additional \$121,000, which would bring the total request up to \$321,000, which was the money that lapsed at the end of last year. So, I was to bring that to this board, and ask them. If anyone has any comments.

Commissioner Mosby: Do you need a motion?

President Fanello: Any discussion or comments?

Commissioner Mosby: I mean, no, I'm in favor of recouping the money.

Commissioner Mourdock: I'm sorry. I couldn't hear you, David.

Commissioner Mosby: Oh, I just said I'm in favor of going back and asking for the money back. That's what lapsed.

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: And went back, so, they gave \$200,000 today, and I'm in agreement to go back and get the other 120...it's obvious they're going to need it.

President Fanello: Uh-huh.

Commissioner Mosby: I mean, listening to the discussion over there today, I think, the \$200,000 is only going to fund 155 kids. They've got a lot more than that in the program right now. I think we're going to be hard pressed to look at this and see what we can do with this program.

Commissioner Mourdock: Have you heard anything, outside county government circles, regarding what the city might yet do? I realize you don't speak for the city, but I'm curious.

Commissioner Mosby: No, I don't speak for the city, but, I mean, I have had conversation with them. It was brought up at their meeting a couple weeks ago, and they were hoping that they Mayor would ask for some type of funding. Their appropriations have to originate within the Mayor's office, and be sent over to the Council. They were hoping by bringing it up that he might initiate something for next year's budget. But, other than that, they've not heard nothing. I've not heard any more.

Commissioner Mourdock: Yeah, well, I asked the question regarding the other 121, because if I new the city was to be counted on to do something, then we might do something less, but, without that certainty, or at least as a contingency.

President Fanello: And I want to make one thing clear, because it was talked about the amount that was placed in the budget for this year and next year, and if you all remember, and I'm sure Commissioner Mosby does, whenever we took office, there was approximately \$1.3 million sitting there unspent. Had Liberman, had we, had the 321 not lapsed at the end of last year, approximately 600 and some thousand dollars would have been available for this year. And I just, I, Gary had ran a history for me about how much they have spent in each area. Child care in '98, they spent \$206,000. '99 they spend \$160,000. At the end of 2000, they had on spent \$63,000 in child care.

Commissioner Mourdock: Yeah.

President Fanello: So, I think, that what I'm getting to, the increase in the child care is definitely coming from the amount of cuts that have been made at the state level.

Commissioner Mourdock: Exactly.

President Fanello: Which we were not aware of at the time we submitted the budget this year, because I don't think the state budget, I don't think we had received all the information on what the cuts were. So, definitely a need to, would have definitely had a need to increase the budget for next year, so.

Commissioner Mourdock: I heard David say you were supporting, I don't know if that was a motion, or—

President Fanello: Did you want to make a motion?

Commissioner Mosby: I would make a motion that we would ask for the \$121,000, or put in a request for the \$121,000.

Commissioner Mourdock: Second.

President Fanello: So ordered. So, Tammy, would you please file that for the next County Council deadline. The other item that I wanted to bring up was a memo that Kevin wrote to me, and I'll pass it along to Madelyn for the record. It's regarding the discussion about conflict of interest statements, which we, as a board, obviously, are, have the authority to approve contracts and bids. When an elected official comes before us to have a contract approved, we must make sure that everyone is in compliance. So, I'm going to read you, really quick, for the record, his memo, because it's fairly short.

You asked for a brief memo on the state's conflict of interest statute. A public servant who knowingly or intentionally has a pecuniary interest in, or derives a profit from a contract or purchase, with an action by the governmental entity served by the public servant, commits conflict of interest, a class D felony, unless he complies with the requirements of IC35-44-1-3. If the public servant is an elected public servant, he must make a disclosure under the procedures established in the statute. The disclosure must:

and there are seven items:

1. Be in writing;
2. Describe the contract or purchase to be made by the governmental entity;
3. Describe the pecuniary interest that the public servant has in the contract or purchase;
4. Be affirmed under penalty for perjury;
5. Be submitted to the governmental entity, and be accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase;
6. Be filed within 15 days after final action on the contract or purchase with: (a) the State Board of Accounts; and (b) Clerk of the Court;
7. Contain the approval of the elected public servant who appointed the public servant in the case of a non-elected official. Please note number five wherein the disclosure must be submitted to the governmental entity and accepted by it in a public meeting prior to final action on the contract or purchase. Using Mr. Raben's situation as an example your questions were entirely appropriate. I do not know if he submitted his disclosure to the county in a public meeting prior to the award. Your minutes of previous meetings should reflect whether he had this done. If you have any more questions, call at any time.

And Kevin could not be here tonight, that's why I went ahead and read the memo, or else he was going to discuss it. So, with that said, the letters were made available to me by the State Board of Accounts that said the other portion of the law had been done on July 31<sup>st</sup>. So, both statements are filed in both places. It is not appropriate to have only one statement filed in one place. They must be in both places. So, that has been taken care of by the elected officials. So, just for everyone's information.

Commissioner Mourdock: Did you have a copy for Madelyn?

President Fanello: Oh, yes. Any other Old Business?

**New Business**

President Fanello: New Business. I have one small item of New Business. It is from Shirley James at the Greenway. Thornton Patberg, who we appointed earlier this year had resigned, and she has a suggested board appointment by Dr. Hoops. Has indicated Mark, and I don't know how to say his last name, Krahling, K-r-a-h-l-i-n-g, is in charge of the university trails, and trail activities, and has considerable expertise in this area. She wanted to know if we would be interested in appointing this gentleman.

Commissioner Mosby: I'll move it.

Commissioner Mourdock: Second.

President Fanello: I'll give you a copy of the letter. So ordered. So, Tammy, would you please pass that along to Shirley tomorrow? If there's no other New Business, we'll move on to department head reports.

**County Engineer**

President Fanello: First, is County Engineer.

John Stoll: First I've got a Notice to Bidders for the replacement of Bridge 1532 on Old Boonville Highway. This will be the replacement structure up near Olmstead Road. We will open bids on this project on September 23<sup>rd</sup>. We've got a time to where we'll get this project started after the Old Boonville Highway and Burkhardt intersection opens back up. So, it's requested the Notice to Bidders be signed, and it be approved for advertising.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I've got a Request for Proposals for a construction inspection services on the University Parkway Project. This is required as a part of the federal aid process. Basically, INDOT requires us to send these out to DBE firms, as well as firms that have requested that we place them on a mailing list. So, I've got this set up to have the proposals due back on September 23<sup>rd</sup>. It's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Madelyn Grayson: That needs to be advertised as well, John?

John Stoll: I don't think we have to advertise those. I'll check the INDOT consultants selection procedures, but I don't believe it has to be advertised. I believe as long as we mail it out to the DBE firms, plus the consultants who have requested that we mail it to, I think we're okay, but I'll let you know.

Madelyn Grayson: Okay, thank you.

John Stoll: Next I've got a request for storm sewer acceptance in Timber Park Subdivision. This is Section Five, Phase One of that subdivision. This is for 183' of 15" pipe; 162' of 21" concrete pipe; and 106' of 24" concrete pipe. The total maintenance fee submitted was \$902. This is for all the pipes located outside the public rights-of-way. It's requested these pipes be accepted.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I've got a letter from Bernardin Lochmueller for parcel number 23, the Worthington parcel on University Parkway Project. This is for an increase of \$631.95 for the offer to the Worthington's. This is due to the fact that this parcel is a total take, and we will be buying their house. There was a pre-payment penalty of \$631.95 on their mortgage. So, because we're necessitating this action, then Bernardin Lochmueller said it's a justifiable fee, and it's requested this increase be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: One item I forgot, on the Old Boonville Highway Bridge, that's the mylar cover sheet that needs the Commissioners signatures. So, it's requested that this be signed off on.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval of the street plans for Grant Hill's Commercial Subdivision. This is located at the northeast corner of Old Boonville, not Old Boonville Highway, Boonville-New Harmony and Highway 41. The plans you

have in front of you show quite a bit of widening that is being done on Boonville-New Harmony, but most of that's in state right-of-way. As a part of this project, INDOT informed us that from what they show is station 431 on to the west was never relinquished from the state back to Vanderburgh County as a part of the 41 project. So, from here over is all INDOT's. So, basically, all we're approving is what's shown here as Riley Drive, and what's shown as Dixie Lane. I've reviewed those plans for those two streets, and request that that be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: (Inaudible. Away from mike.)

President Fanello: Okay.

John Stoll: This last set of plans is for two right turn deceleration lanes on Wynnfield Subdivision, which is located at the southeast corner of Kansas Road and Greenriver Road. The street plans have previously been approved, but one of the requirements for the Area Plan Commission was that, from the Area Plan Commission was that deceleration lanes be provided at both of these entrances. Those were omitted on the original plans. Now they've added them back in, and even though it's a minor modification, I figure I'd better bring them back in so you could take a look at this, and approve it. So, it's requested this be approved as well.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: Nothing? Thank you, John.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all I want to start off with reporting Red Bank Road completed. Our next major project on paving would be Tupman Road, if funding is available. We received two new Freightliner dump trucks last Friday, and we're getting them prepared to get them out on the road. Work is proceeding well, and it seems like my first week on the job it went really well. I'm pretty impressed with the safety record, and the people who work out there are pretty conscientious. Priorities is the school busses are starting up now, and we're trying to clear the trees from the, so the busses can proceed around the stop signs, and things of that nature. So, and you have my report for the week. Do you have any questions?

Commissioner Mourdock: I thought you were going to say the first week you were there things seemed to go well, and then you started to catch on, or something like that. You were leading somewhere.

Dennis Hudnall: I really mean that. I've had several meetings with the folks that work out there, and I think, I think it's going to go really well.

Commissioner Mourdock: Okay. Very good.

Dennis Hudnall: We're reviewing internal policy. Trying to meet people halfway, but they also have to meet us halfway too. As long as it doesn't cost the county for some mistake that we make. We're trying to do a real good job, and I think they're on the band wagon to do that.

Commissioner Mourdock: Okay. Would you check into one for me? Ralph had started to work on this about the time he left, and I think Reggie might have picked it up, but the people at 2600 Knob Hill, they've gone out, our folks had gone out and looked at a culvert that was blocked there, and apparently told them they would get in and clean it out. Apparently nothings happened yet.

Dennis Hudnall: Okay.

Commissioner Mourdock: So, 2600 Knob Hill. If you want to give me a call tomorrow, I can get you a phone number too.

Dennis Hudnall: Sure.

Commissioner Mosby: I've got one.

Dennis Hudnall: I also had, I guess you've got to take the good with the bad. We had two people stop by the garage and have positive comments about the work crews and how courteous they are. Then I had about three calls on positive things. I also had a couple negatives. You've got to take the good...but we've taken care of those. So, when they call out there they threaten to call the Commissioners or whatever. So, bear with us, as long as we get the call, we'll take care of them. That's all I have. If you don't have any questions—

Commissioner Mosby: Dennis, I had one question. You said you received two trucks this week?

Dennis Hudnall: Yes.

Commissioner Mosby: Are they already equipped with snow equipment? Snow removal?

Dennis Hudnall: No.

Commissioner Mosby: They're not. Did we order equipment?

Dennis Hudnall: No. Not yet.

Commissioner Mourdock: Heard today's winter forecast, huh, David?

Commissioner Mosby: Last year we got caught without salt. This year I would hate to get caught without trucks to spread salt. I guess, we need to talk to Dave Hudson and just see what we've got to do to equip these two trucks.

Dennis Hudnall: Yeah.

Commissioner Mosby: That would be my—

Dennis Hudnall: Right now we're reviewing the budget to see exactly where we're at, because I really don't know how much has been obligated against some of these charge numbers. I know the balance of the checkbook, I just don't know what purchase orders is out there hanging. So, I have to run all those down. Then I'll know what's already been obligated against it, and then I'll know how much money is in that.

Commissioner Mosby: Okay.

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

Dennis Hudnall: Thank you.

**County Attorney**

President Fanello: County Attorney.

Jay Ziemer: I had to learn how to turn the mike on. I have nothing.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have a late travel request from Center Township Assessor. Since it is coming out of their budget, I ask that you go ahead and approve it.

Commissioner Mourdock: I'll move we add that request to the Consent items.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, manager of Burdette. First thing, I guess, was the lease agreement from Dave Austill on the property at Burdette. He had brought that out, and I wanted to—

President Fanello: That wasn't in our packet, was it?

Steve Craig: It was supposed to have been.

President Fanello: No.

Commissioner Mourdock: Is that the same one we do annually?

Steve Craig: Yes.

Commissioner Mourdock: Yeah. Is it any different than the one we did last year?

Steve Craig: No. I have a copy of it here signed, but I was under the impression that it had been put in your packet.

Commissioner Mosby: I can't find one.

Commissioner Mourdock: It can be deferred a week without any problem?

Steve Craig: No problem.

Commissioner Mourdock: I was going to say, with Kevin not having seen it before—

President Fanello: Right.

Commissioner Mourdock: —allow him that courtesy.

President Fanello: We'll just defer.

Steve Craig: Then we had had our advisory board meeting, and with the minutes from them in your packet. If you had any questions on that.

President Fanello: Are there any questions?

Commissioner Mourdock: No.

President Fanello: Thank you.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: We have Soil and Water and the Ozone Officer's report. I would move they be entered into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

Commissioner Mourdock: And with the one addition to the Consent items, would move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: We'll start Drainage Board in five minutes.

The meeting was adjourned at 6:20 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Center Assessor	Pigeon Assessor	Auditor
Computer Services	Treasurer	County Assessor
Health Department		

**Employment Changes:**

Circuit Court	Auditor	Armstrong Assessor
Health Department	Knight Assessor	Treasurer
Sheriff Department	VCCC	Prosecutor

**Request for Service:** Recorder.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**County Assessor:** Declaration of Surplus Equipment.

**Auditor:** Submission of State Board of Accounts Audit for 2001.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Jay Ziemer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Steve Owens	Sherman Greer
Brad Ellsworth	John Stoll	Dennis Hudnall
Steve Craig	Others Unidentified	Members of Media

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 9, 2002**

The Vanderburgh County Board of Commissioners met in session this 9<sup>th</sup> day of September, 2002 at 5:31 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, September 9<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy Mc Kinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of August 26, 2002 Commission Minutes**

President Fanello: Do I have approval of the minutes from August 29<sup>th</sup>?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Next item, Phil Lawrence.

Phil Lawrence: Good morning, Commissioners, afternoon, I'm sorry.

**Approval of September 9, 2002 Executive Session Summary Minutes**

Commissioner Mourdock: Excuse me, Phil, let me do something here.

Phil Lawrence: Sure. No problem.

Commissioner Mourdock: I would like to move approval of summary minutes for the Executive Session—

President Fanello: Sorry.

Commissioner Mourdock: —that we had this evening, or this afternoon. It began at 3:30, ended at 4:30. The three Commissioners, and Mr. Winternheimer were present, and the issues were pending litigation, and personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Opening of Bids for APA053-2002:  
Infrastructure Hardware Upgrade**

President Fanello: Now, Phil.

Phil Lawrence: Now I can go, okay. These bids were opened at the Board of Public Works this morning. The City/County bid, APA053-2002, Network Infrastructure Upgrade. It covers both the city and the county. I've done a preliminary results. SBC/Ameritech bid \$380,001, and Matrix Integration bid \$398,424. Our recommendation at the board was to take them under advisement.

Commissioner Mourdock: I would move that we do so.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you.

**Agreement with David Austill for Property on Nurrenbern Road**

President Fanello: Next item agreement with David Austill.

Steve Craig: Yes, this is a lease agreement with Mr. Austill on the, I think it's 2.7 acres that is directly behind our baseball diamonds. I have the original one that he signed here. (Inaudible. Stepped away from mike.)

Commissioner Mourdock: And this has been somewhat of an annual event, since every year we have to deal with this. I think it's been the same rate—

Steve Craig: Yes.

Commissioner Mourdock: —from the time I've been on the board. So, I would move approval of the lease agreement.

Commissioner Mosby: Second.

President Fanello: So ordered.

Steve Craig: Thank you.

President Fanello: Thank you.

Commissioner Mosby: I guess that goes to her. He just wanted it to—

President Fanello: I think she's got...was this the original? Does she have the original?

Commissioner Mosby: He said that was the original.

President Fanello: Oh.

Commissioner Mosby: I don't know.

**Public Comment**

President Fanello: Is there anyone in the public wishing to address the board at this time?

Brad Ellsworth: Good evening. My name is Sheriff Brad Ellsworth. I just, I had Eric pass out some stats this evening, but I did want to get on the record, and call your attention to some, I guess, some numbers here that we received. This morning when we came into work, we had 394 people in jail. I know our cap's at 329. As you can see from our report, we've been over quite a while. 394 is...I think an important thing to remember is how many beds we have. We know our cap is 329, but we're still at 268 beds. That hasn't changed. So, I think that's a pretty critical number. I can't say I blame it on the courts, because we had a record number on Friday of people going to court. An all time record of 105 people go from out of the jail into the court system, and have hearings. Now, tonight, before we left here, it was back down. 354, I believe was the number. So, we bonded, you know, 40 something out, but it still leaves us over the cap. We're doing everything we can to get them out. DOC, we have, basically, two full time officers doing nothing but making phone calls, trying to find places to move them. We are constantly on the phone with DOC to try and get them....we got 18 new abstracts on Friday. DOC will let us know, probably tomorrow, how many of those they will take out of that 18. We're also looking at other DOC holding jails to move those people too in the time period. So, because that's one area we think, you know, we want to get as many DOC's out as possible. But don't let that startle you, when you see 18, because we're on the prison system to take them. So, I just wanted to call your attention to that. We're in some pretty drastic measures up there. We had to borrow mattresses from other, from the Safe House to give them all a mattress. We were going to place an order, but, just to let you know this problem is not going away. Apparently the crime rate is not dropping quick enough for Vanderburgh County, so.

President Fanello: Everybody is doing their job, I think.

Brad Ellsworth: That's what we think. Thank you.

President Fanello: I just wanted to make a couple of comments that, you know, I believe that there is a lot of communication going on between all the respective bodies. I mean, that is evident. It's evident on the third Thursday of every month when we meet in the Criminal Justice Planning Group Committee. I know that I have spoken with several Judges over the past couple of months. Even had some of the Judges do a little letter to me letting me know all the measures that they have taken over the past few months to help keep these jail numbers down. I would be happy to compile that information for the other two Commissioners, but, I know I've heard it said that people aren't communicating. That's just couldn't be farthest from the truth, because I know the Sheriff's working hard, the Judges are working hard. They are communicating with all the respective offices. The elected officials are, you know, communicating, and people are working to move this jail project forward. So, I just, I just felt like I needed to say that, because I keep hearing there is not

communication going on, and there is a lot of communication going on, or we wouldn't see all the cooperation that's happening right now, especially with the Sheriff and the courts. Maybe if, Commissioner Mosby, do you have anything to update us on the real estate, or anything? On the jail project?

Commissioner Mosby: I'm not sure where we were at last week. Oh, we didn't meet last week. I did talk to CSX, the appraisal, updated appraisal is ordered. As soon as they get the numbers, they are going to get them to us. They have agreed, at their expense, to go ahead and do the phase one environmental, which, keeping in mind, will be their people doing the environmental, and whoever they hire. So, our attorneys have still advised us it might be of the best interest of the county to have your own environmental done. We have had contact with the farmer who leases the land. I have his name and phone number. They have talked to him, told him we would be calling. He said he'll be off the land, probably, in the next 30 days, so that we could get started with any appraisals, environmentals, or geo-techs that we need to do. So, I mean, we've progressed to that point. It's, basically, now we've got to get everything done.

President Fanello: Okay. I mean, I still think it's a better idea for us to get our own appraisal, our own geo-tech, our own environmentals. I don't care how many CSX orders, we need to get our own also, so that we have a comparison document, to make sure that we're acting in the best interest of everyone involved. Most of all, the residents of Vanderburgh County, so.

Commissioner Mourdock: I'll just add a comment regarding how the environmental works. I'm sure CSX will be hiring people who are properly licensed and certified, just as accountants are, your CPA is a license, of sorts.

President Fanello: Uh-huh.

Commissioner Mourdock: Those people also have to have licenses. So, there is a standardized code of professional ethics out there. I don't think it's likely that they would want to prepare a report very favorable to something that would be otherwise unfavorable, and thus risk their own professional integrity, and their own ability to do business in the future. So, it is a licensing—

President Fanello: I agree with you. We all have standards to adhere, but tell that to the Enron stockholders. I mean, I'm just, today, in this point and time, I think it's important for us to make sure that we have all the proper information, and that we're acting in the best interest of the residents.

Commissioner Mourdock: Well, maybe when the CPA's go to jail, and apparently some of them will, that is going to send a message to a lot of professionals that otherwise need licenses.

President Fanello: Well, I mean....well, that's all the more reason for us to continue to act in the best interest of the taxpayer, so. Anyone else in the audience wishing to address the board?

**Old Business**

President Fanello: Old Business. As a matter of Old Business...did you have something? Did you want to go first?

Commissioner Mosby: We have to declare our open burning emergency. We still ain't had any rain. I have to ask the Evansville Courier to please do me a favor. Because nowhere in here does it say if you live within four miles of the city limits. There was an article that came out in the newspaper, and I had six people show it to me, that says, well, I'm four miles.....I know, I'm not blaming you, because it was not a....but, they say, well, I'm four miles outside the city limits, so I can burn, and I said, no, I think it's for Vanderburgh County. It says in here for all unincorporated areas of Vanderburgh County. It doesn't say anything about four miles. I would like for that to please be clarified, because there are some people that are in the river bottoms that think they are four miles outside of this. They measured it to make sure, and they said I'm four miles out. I said, that doesn't count, so.

Commissioner Mourdock: Did you say incorporated, or unincorporated?

Commissioner Mosby: Unincorporated.

Commissioner Mourdock: Okay.

Commissioner Mosby: Shall be in effect for unincorporated, all unincorporated areas of Vanderburgh County, valid 24 hours a day through 5:30 p.m., September 16, 2002, unless express extended for a set period of time by the board. 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, and 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 fire is to be conducted. Any person being guilty of the violation of this declaration, and upon conviction, shall be fined not more than \$500. 500 dollars. So, we just need to pass that again.

Commissioner Mourdock: So, that was a motion? I will second.

President Fanello: So ordered.

Commissioner Mosby: I made a motion.

President Fanello: Sorry. So ordered.

Madelyn Grayson: David, may I have the original for the signature file?

Commissioner Mosby: Yes, this is it.

President Fanello: Do either one of the Commissioners have any other Old Business?

Commissioner Mourdock: Do you want to do this under Old Business?

President Fanello: Yeah. I had a few small items first--

Commissioner Mourdock: Oh, okay.

President Fanello: --I was going to take care of. Community Corrections, if everyone is aware, I did send a second request to the County Council last week, just trying to get, keep the dialogue going on how we're going to solve the Community Corrections issue, especially with the building. Also continue discussions about the juvenile, possible juvenile facility, or a possible contract with an outside agency. So, I am scheduled to have a meeting with Councilman Winnecke, Councilman Raben. If they have not contacted you yet, Sheriff, we would like for you to be in on that meeting. I cannot remember the date, off the top of my head, but I'll let Tammy or Patty know tomorrow, and let you know. I left my calendar at home, but that meeting is going to take place next week. A couple other small things, I'll wait and bring them up under New Business, they are really New Business, so.

### New Business

President Fanello: Which brings us to New Business. Commissioners, either have anybody, anything on New Business?

Commissioner Mourdock: Do you want this under New Business?

President Fanello: Yeah, we'll go ahead and do this. There's a resolution, Patriot Day resolution that I had asked Patty to get together for us tonight to pass in honor of September 11<sup>th</sup>. Or in remembrance of September 11<sup>th</sup>. I would just like to read that real quick, and then get it passed.

Whereas on September 11, 2001, America was suddenly and brutally attacked by terrorists, and; Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crews of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and ; Whereas, these acts targeted symbols of American strength and success, clearly were intended to intimidate the nation and weaken our resolve, and; Whereas, these horrific events affected all Americans. With courage America carried on with the regular activities of our lives. Terrorism was not allowed to break the spirit of the American people; Therefore be it resolved, that the Board of Commissioners of Vanderburgh County, Indiana, declare September 11, 2002, Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001. Be it further resolved, that the Board of Commissioners of Vanderburgh County display the flag of the United States at half staff on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks. Be it still further resolved, that the Board of Commissioners of Vanderburgh County recommends to its citizens observe a moment of silence on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

Commissioner Mourdock: I would, certainly, agree to all those things. I would ask one slight modification, or maybe one addition. The Auditor actually raised this

point to me the other day, and I think it's an excellent one. I think it would be appropriate at the moment when the first tower collapsed, which is, in fact, when most of those fellow public employees, if you will, the firemen, the policemen, the EMT's, when they perished. If, at that moment, here in the Civic Center, if we could have the Building Authority announce over the P.A. system that everyone observe a minute of silence, at that moment.

President Fanello: That's perfectly acceptable.

Commissioner Mosby: It's acceptable to me.

Commissioner Mourdock: And with that one modification, I would certainly move approval.

Commissioner Mosby: I second.

President Fanello: So ordered. A couple of small items I had on New Business. Voting machines, I had our office check on, if you remember the reimbursement policy from the state. Even though there's no money there right now, we still have to have our form in by the end of the year. I don't think the form is finished, but it's on it's way to being finished. So, I just wanted to keep everybody's attention on that, that we do need to get the form filled out before the end of the year.

Commissioner Mourdock: The form actually needs to designate the vendor, does it not?

President Fanello: I don't think it has to designate the vendor, I think it--

Commissioner Mourdock: At one time it was--

President Fanello: I'm not under that impression.

Commissioner Mourdock: At one time it was specific, because you could only buy from vendors who were on the state's quantity purchase order list.

President Fanello: Yeah, there's four vendors right now. That I'm not aware of. It's just Jonathan brought that to my attention a few weeks ago, just to make sure. So, I don't know how we want to proceed. The Council never put any money in there next year for voting machines.

Commissioner Mourdock: Right. Yeah.

President Fanello: Just something for us to think about.

Commissioner Mourdock: Okay.

President Fanello: And then, an interesting article I saw in the paper a couple of weeks ago from Warrick County about website policies. I think it's something that this board, and maybe the Data Board needs to consider is that, I believe they were having an issue with a website where it had too much personal information, and it almost looked like a, possibly a campaign website. It think we need to remember that our websites on Vanderburgh County need to pertain to items that take care of the residents of Vanderburgh County, and take care of the taxpayer. So, I think

it would be in the best interest of this board, and this county to come up with some kind of policy where there is not personal information, or any material that may be construed as campaign material on a county website.

Commissioner Mourdock: You'll get no disagreement from me on that. I did not see the article you are referring to. Is there some specific language, or are you drafting something?

President Fanello: I can. I just wanted to bring it to the attention of the board, and get your feelings on it. It was actually in Warrick County. The Warrick County Commissioners pulled some material off of a website, because it was too personal in nature. I have seen some of our websites that I think may, may go a little too far, so I think it would be in our best interest—

Commissioner Mourdock: Yeah, it's always going to be in the eye of the beholder to some degree, but, in concept, I agree with what you're saying.

President Fanello: Okay, so.

Commissioner Mosby: I don't have a problem with it.

President Fanello: With that we can, maybe, get with the Data Board President, and ACS Director, and work up some potential policy. Any other New Business?

Commissioner Mosby: I had a letter, I don't know if I've left it back on my desk or what. I ran back there to look. I had wanted to send a letter to Scott Township Volunteer Fire Department. I think Lou Austin is there chief, ain't he? We had an accident out there a week ago Friday on Heppler Road Bridge, where the one gentleman got his hand smashed with a 3,000 pound hammer. It unlocked unexpectedly, and he had his hand in there. Anyhow, I had went by and talked to Art Cook at CCC Construction who was doing the job for the county out there, at that time, and he was very impressed, and very pleased with the immediate response of the first gentleman on scene out there, who came in his own vehicle, but was very well equipped to keep the guy under control, and, basically, I mean, did very well until the rescue emergency squad got there, before the ambulance ever got there. Anyhow, he had expressed his pleasure, pleased to me on that, and I had told him the Commissioners would try to send a letter to Scott Township. So, I've got a letter somewhere, and I would just ask that this board would agree that we send the letter to Scott Township thanking them for their quick response.

Commissioner Mourdock: So moved.

President Fanello: Oh, you said, I guess, you're seconding. So moved. Okay. Any other New Business.

Commissioner Mosby: That's all I have.

President Fanello: Okay. If there is no other New Business, I'll move on to department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First item, I wanted to let you know about was on the RFP that we approved at the last meeting, I had an incorrect date in there. Basically, by INDOT regulations we need to have it available for inspection in our offices for 30 days, a minimum of 30 days. The date I had in there did not provide that. So, before we mail it out to consultants, I changed the date, the due date to September 30, 2002, instead of September 23<sup>rd</sup>. So, I just want to make you aware of that. Next, I have street acceptance requests for Phase One and Phase Two of Wellington Acres Subdivision. In Phase One we have 625' of Oldbury Way, and 361 linear feet of Kettleshill Walk. In Phase Two we have 1,183' of Kettleshill Walk, and 235' of Kettleshill Court. It's requested that these streets be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I've got another street acceptance. This is for Enterprise Park Subdivision. This is for 692' of Enterprise Park Drive, and 1,040' of Enterprise Park Circle. It's requested these streets also be accepted for maintenance.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have a change order on the Lynch Road/I-164 Interchange Project. This is for an increase of \$4,006.04. The need for the change order results from the fact that the wrong height of signal poles was specked out on the original itemized proposal. They needed 11 meter poles, and the itemized proposal called for 9.2 meter signal poles. So, it's requested this be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: On that, we're responsible for just 20% of that cost, rather than the full 100%. Next I have a change order for the Evergreen Acres Drainage Project. This was contract number VC01-12-01. This is for a net increase of \$16,829. This is the final change order that takes into account all of the previously authorized work that the Commissioners have already approved on this. That included additional patching, and additional pipes, and things like that. So, it's requested that this also be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have a request from CCC of Evansville, Incorporated. This is a time extension request for the Heppler Road Bridge Project. This is contract number VC02-03-01. They are requesting that the job, the completion date for this job, be extended to September 27, 2002. It's requested that this be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: There's no place for signatures. It's just for the record.

President Fanello: Okay.

John Stoll: Next I've got a final invoice on the electric line relocations on the Burkhardt Road Project. In the original agreement, well, from the time the original agreement was signed until the final invoice came in, Vectren came back with a final invoice that was \$2,881 above the original agreement amount. After reviewing the original agreement with Bernardin Lochmueller, we determined that this is an eligible reimbursement. Basically, their total costs were \$179,958, and the reimbursement percentage, in the original agreement, was 10.3%. So, basically, I'm asking for approval of an additional \$2,881, and then we'll proceed with processing the final claims through next week's meeting.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: This is for the record also. Next, on the Brooks parcel, on the University Parkway Project, Mr. Brooks had three different mortgages on his property. In doing some research, only two of them were documented, as far as recording goes. To try and clear up the title on this parcel, Old National Bank is willing to send a letter stating that the third mortgage had been satisfied, but there was no, nothing documented on that. I consulted Kevin about that, and Kevin wasn't comfortable with the fact of just accepting a letter from the bank. So, it was determined we proceed with updating the title work. I contacted Rick Bennitt with Bernardin Lochmueller, and he said he would proceed with getting the title work updated, and he would just increase, he would just include the cost of that title work on the supplemental agreement that they will submit at the end of this project. So, just asking for your approval to proceed in that manner.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: And, next, I would like approval to proceed with hiring Larry Farmer Appraisal Company for the appraisals on Lyle Road. This would be \$800 per parcel, and there are a total of five parcels on that project.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Last I have copies of a fax that I sent to American Consulting to define the scope of work for the Carpenter Creek study. I just sent this to American today. If you see anything that you would like added or deleted, just let me know, and I'll notify them before they submit a draft of their agreement. This will get the ball rolling, at least, for them to be able to come up with a fee proposal for the services. That's all I have, unless you have any questions.

Commissioner Mourdock: Just looking at this real quickly, John, did you define a distance away from the creek, either in flood way, flood plain, lineal footage, or anything like that? Or is this the whole water shed? Or what is this?

John Stoll: It's the water shed, and number seven is where I just got into the flood plain, and flood way. I can clarify that with them. I was just thinking—

Commissioner Mourdock: You may not need to. I just, obviously, hadn't read it until now, so.

John Stoll: I can clarify that with the consultant, though. Basically say that we want 100 year flood plain and flood way studied.

Commissioner Mourdock: Okay, and you might make sure then that they coordinate too, at least sit down with some information exchange with Norma and Soil and Water, because I know they've done a number of things out there at Carpenter, over the years, and they probably have got a pretty thick file.

John Stoll: I was going to say, I remember a couple of years ago out there on some cold day in February with you and Shirley James.

Commissioner Mourdock: That's right. Remember it well.

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

President Fanello: Thanks.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Dennis Hudnall, County Garage. First of all Commissioner Mourdock asked me to check last week on 2600 Knob, or week before last, on 2600 Knob Hill. I checked the work order, and the work order has been completed.

I called Mr. Schymik at his place of employment. He did not know it was completed, so he indicated that he would check it out and get back with me if we had a problem. Everything is fine.

Commissioner Mourdock: Okay. Very good.

Dennis Hudnall: So, in fact, we went to his residence, it checked out.

Commissioner Mourdock: Okay. Thank you very much, Dennis.

Dennis Hudnall: Next I have some estimates here for some equipment for the new trucks. (Inaudible. Stepped away from the mike.) Okay, first of all we received the two Freightliner trucks. In order to get them up and running, what we need is radios, snowplows, spreader, and tarps for these trucks. I received, the first page, the first three pages on that include the radio, snowplow, spreader, and tarps. It comes to a total of \$34,746. The radio estimate is an old estimate from July, but the person I talked to said that he would hold to that price for these trucks. And request that this be considered to buy before the snow season.

Commissioner Mourdock: I guess, this (Inaudible)?

President Fanello: Huh?

Commissioner Mourdock: Are we missing something?

President Fanello: No, I thought I was, but (Inaudible). Is this just one quote on each thing? Or is there three quotes on each one?

Dennis Hudnall: No, it's one quote for the radio. It's one quote for each line item.

President Fanello: Okay.

Dennis Hudnall: In other words, you have to double those...on the first three pages, you just double those. It comes to \$34,746.

Commissioner Mourdock: Did that answer your question? Or were you asking—

President Fanello: No, I think what I'm asking is, did you call three different people—

Commissioner Mourdock: Right.

President Fanello: —to get quotes? Or did you just call one person?

Dennis Hudnall: No, this is just an estimate for consideration right now.

President Fanello: Okay.

Dennis Hudnall: What I'll do is proceed in order to get all the quotes.

President Fanello: Okay. Well, I think you, I looked at your, actually, was looking at your budget last week. I think you still have some money for equipment, and things, so.

Dennis Hudnall: Yes. I'll have to do some minor transfers.

President Fanello: Okay.

Dennis Hudnall: I've already investigated those, and we have the money available for all the requests that I've put before you today.

President Fanello: Okay.

Commissioner Mourdock: Are these types of things, on the first page, where it says Flink model whatever, for both the spreader and the hitch. At least I presume that's a hitch. Is that individual item available from several different vendors? Do they all sell that same model?

Dennis Hudnall: It's very difficult to find several vendors on this type of an item—

Commissioner Mourdock: Okay.

Dennis Hudnall: —that's, you know, really close around. Really, if you go far away, you're going to....snow season is going to be here and gone before we get this equipment. It might be a little slow on this right here also.

Commissioner Mourdock: Okay. I was just trying to ask. I think I'm kind of following up with the question that Catherine was asking. If we need to get three separate prices, which we do—

Dennis Hudnall: Yeah.

Commissioner Mourdock: —I mean, have you got three vendors? Are you now—

Dennis Hudnall: I will research that.

Commissioner Mourdock: Okay.

Dennis Hudnall: I went to Miller first, because in the past we've done a lot of business with Miller. They've always been pretty fair on the pricing part of it. I just wanted to get a feel for what these were going to cost—

Commissioner Mourdock: Okay.

Dennis Hudnall: —so I could present it to you.

Commissioner Mourdock: Okay.

President Fanello: Okay.

Commissioner Mourdock: Because now that they are in the record, anybody who wants to bid, obviously, is going to have a good number to shoot at. So, okay.

Dennis Hudnall: Okay, the next page on that, we have a Massey-Ferguson tractor at the, that we're not using at the present time. In trying to build some efficiencies on cutting this grass, because most of my work orders that we have not completed are due to the grass cutting. To try to build up those efficiencies, I would like to

outfit this tractor with a sickle blade, which would build efficiency and save time. This is not a priority at this time. I mean, grass cutting season is probably about two more months and that's it, but I want it to be considered to build up the efficiency of the grass cutting crew. Because it is very difficult to keep up with. Next, I need some clarification on the three replacement dump truck beds. I have mixed information on it. People out there at the garage tell me that they've already been okayed by the Commissioners. I can't find anything in writing that tells me that. So, I would like to get some clarification, if they have been.

Commissioner Mourdock: My recollection, and that's simply what it is, but my recollection is that when it last came up, we raised the question about whether or not the beds could be relined. I think Ralph was going to get back to us, and about then was when everything changed.

Commissioner Mosby: That's what happened.

Dennis Hudnall: Okay, so, it was relining the beds?

Commissioner Mosby: Well, yeah, we wanted to see if there was anybody that does that type of work, to where they could reline the bed, and it would be cheaper, but still efficient enough to serve our purpose.

Dennis Hudnall: Okay.

Commissioner Mourdock: We just raised that as a possibility, and he was going to check and see. Okay.

Dennis Hudnall: I'll check on that. Okay, and finally, you have my report from the work that's been done the last two weeks. Do you have any questions? The pie chart that you see on the, on the page where it indicated the paving. That 21% is, basically, contracts that are still let. So, they haven't completed that 21%. However, the County Garage has completed all their paving, except for Ohio Street Bridge, and First Avenue Bridge.

Commissioner Mourdock: Okay.

Dennis Hudnall: That's all we have left.

President Fanello: Do you know, I meant to give you a call, but do you know where we're at on the paving budget itself? I mean, I think—

Dennis Hudnall: We're alright.

President Fanello: You're okay? Okay.

Commissioner Mourdock: Going back to this for a moment—

Dennis Hudnall: Sure.

Commissioner Mourdock: —the one with the hitches and all. When you do go out for bids, probably you will save the county some money if you do make the point to the potential bidders, or those who are going to quote you prices, that you have submitted these prices to the Commission. That way, if they want to come look at

them, from the point of view of seeing them as public record, like I say, it will sharpen their pencil a bit.

Dennis Hudnall: Okay, that's all I have.

President Fanello: Are there any other questions for Dennis.

Commissioner Mosby: No.

President Fanello: Thank you.

Commissioner Mourdock: Good report. Thank you, Dennis.

President Fanello: Thanks.

<b>County Attorney</b>
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President Fanello: County Attorney.

Kevin Winternheimer: I just have two, two matters. First is that I would like to request an Executive Session for next Monday night, or Monday afternoon at 4:30. We need to discuss some personnel matters and litigation, as well as possible initiation of litigation.

Tammy McKinney: You have space allocation at 4:45.

President Fanello: Oh.

Kevin Winternheimer: Okay.

President Fanello: Well—

Kevin Winternheimer: How about 4:00?

President Fanello: Okay.

Commissioner Mourdock: Okay, I'll move the advertising of an Executive Session—

President Fanello: Can I add something to that?

Commissioner Mourdock: Sure.

President Fanello: Can we just go ahead and add real estate to that, in case—

Commissioner Mourdock: Sure.

Kevin Winternheimer: In case that comes up.

President Fanello: —anything might come up on the—

Kevin Winternheimer: Okay.

Commissioner Mourdock: Okay, I'll move that we have an Executive Session scheduled for next week at 4:00 for, I'm sorry, for real estate, and personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay. The second matter, and this is totally my fault. I sent over a copy of a revised contract, and did not indicate for them to put it in your packet, so you haven't seen it. We approved a PCI contract about two weeks ago, I believe, or three weeks ago for construction inspection at the O'Day Center. They sent back what they wanted to be a clarification of their scope of work. I think it could probably wait until next week, until you have a chance to read it. You have not. The other alternative is that I just go over those changes. However you want to proceed. It's up to you.

President Fanello: I guess, go over them, if it's not anything to voluminous, we can—

Kevin Winternheimer: Do you want to do it now? It's under the Duties and Responsibilities, and they call themselves, in this respect, the Project Representative, and I'll just read it. I think that will be just about as fast as anything. It's not too long. It says;

The Project Representative shall perform on-site observations of the progress and the quality of the work as may be reasonably necessary to determine, in general, if the work is being performed in a manner indicating that the work, when completed, will be in conformance with the contract documents. Notify the Owner immediately if, in the Project Representative's opinion, work does not conform to the contract documents or requires special inspection or testing.

The next provision, they will;

Monitor the Contractor's construction schedule on an ongoing basis and alert the Owner to conditions that may lead to delays in completion of the work. Attend meetings as directed by the Owner and report to the Owner on the proceedings. Observe the Contractor's record copy of drawings, specifications, addenda, change orders, and other modifications at intervals appropriate to the stage of construction and notify the Owner of any apparent failure by the Contractor to maintain up-to-date records. Review the list of items to be completed or corrected, which is submitted by the Contractor—

that's them:

with a request for issuance of a certificate of substantial completion. Review the work. If the list is accurate, forward it to the Owner for the final disposition, if not, so advise the Owner.

They wanted added a section on Limitations of their Authority, and this reads, and I'm just about done. They will not;

Authorize deviations from the contract documents. Approve substitute materials or equipment. Personally conduct or participate in tests or third party inspections. Assume any responsibilities of the Contractor's superintendent or Subcontractors. Expedite the work for the Contractor. Have control over or be in charge of or be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work. Authorize or suggest that the Owner occupy the Project in whole or in part. Issue a Certificate for Payment or Certificate of Substantial Completion. Prepare or certify to the preparation of a record copy of the drawings, specifications, addenda, change orders, and other modifications. Reject work or require special inspection or testing except as authorized in writing by the Architect. Accept, distribute, or transmit submittals made by the Contractor. Order the Contractor to stop the work or any portion there of.

Many of those are duties that are architectural duties. So, that was their changes. It's much more detailed than what I had originally submitted. I have no problem with it. Steve has looked at it. I believe you don't have any problem with it.

Commissioner Mourdock: I'll move approval with the new language.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winterheimer: That's all I have. Thank you. I have copies of the contract here.

<b>Superintendent of Buildings</b>
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President Fanello: Okay, Superintendent.

Tammy McKinney: I have a late Travel Request from Area Plan. There's no cost in this trip, so.

President Fanello: Yeah. Do I have a motion to add to the Consents?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. While we're on Tammy's can you give us a quick update? I know you and I spoke in passing on the Old Courthouse roof. I know you spoke to Will Fosse.

Tammy McKinney: Actually, he was supposed to get with me today. He's about 75% completed the drawings, or the specs for the roof. I can get with him tomorrow and see...that was probably about two weeks ago when we spoke.

President Fanello: Yeah, but he had said he was finished with the specs, and he had planned to what, not put it out to bid until the spring? Was that—

Tammy McKinney: Right, due to the weather.

President Fanello: Okay.

Tammy McKinney: Right. I think everything should be completed probably in a couple of weeks. We're not going to put out bid until, I think, March. March or April.

President Fanello: Okay. Are there any other questions? Okay.

<b>Burdette Park</b>
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President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The one thing I wanted to bring up was that during our last board meeting there was a discussion on the rental rate for the O'Day Discovery Lodge. The Advisory Board had made some suggestions and that, and I was kind of wanting to put it out to the three Commissioners, for them to review that, and if they had any thoughts on it, or wanted to do any homework on it. If they had some different ideas than what the board did before we made any decisions on it.

President Fanello: I saw the minutes, but I would like, personally, to do a little research, and maybe just see if these recommendations are in line with what we should really charge.

Commissioner Mourdock: Okay. Yeah.

President Fanello: Are clean up fees normally that much?

Steve Craig: Well, it's a clean up fee/damage fee, and what it is, is if they trash the place—

President Fanello: Uh-huh.

Steve Craig: —we have the ability to keep that amount of money. We usually don't charge anything. So, if somebody really trashes it, we have a problem with, you know—

Commissioner Mourdock: So, it's really more like a damage deposit?

Steve Craig: Yes, sir.

President Fanello: So, they get it back if there is nothing wrong?

Steve Craig: Yes, ma'am.

President Fanello: Okay.

Commissioner Mourdock: The thing that struck me in first looking at it, and I agree, we can kick it around some more, but I thought the \$100 kitchen fee might actually be light. I mean for the fact—

Commissioner Mosby: Might actually be what?

President Fanello: Light.

Commissioner Mourdock: Light. Maybe it should be more than that, given just wear and tear of one area, it's going to be the kitchen, when they get in there and use it, so.

Steve Craig: Yes. We have, you know, we have kind of done some homework on it, and everybody has a different formula for coming up with some of them. Some of them waive the rental fee, but then they tell me they make the money back in the catering fee, because they just add it in.

President Fanello: Well, do you have, I mean, I assume you've done some research on other rental facilities—

Steve Craig: Yes.

President Fanello: —around town. Do you have like that information that you could just maybe compile for each of us to read or something?

Steve Craig: Yeah, I'll get it together.

President Fanello: That we don't —

Steve Craig: Because Mary, not Mary Lee, Sandie Aaron is supposed to be faxing me some stuff—

President Fanello: Okay.

Steve Craig: —I had talked to her earlier today.

President Fanello: Okay.

Steve Craig: She's going to fax me how The Centre does some of their catering and that.

President Fanello: Okay. Yeah, why don't you just fax us maybe some of your research, that way we don't double the efforts here.

Commissioner Mourdock: Uh-huh.

Commissioner Mosby: Okay. I guess, the one question I have, if the 4-H rents for \$1,135, and it holds 650 people, and our building is going to hold 650 people, why would we say a minimum of \$1,500?

Steve Craig: I don't know. That was their suggestion, it wasn't mine.

President Fanello: That's what I'm wanting to research here.

Commissioner Mosby: Well, I mean, we just went \$365 over and above them. So, I guess, if I was looking at the economics of it, I'd go rent the 4-H.

Steve Craig: I don't know if they was thinking it's a newer, nicer building than what they've—

Commissioner Mosby: Does the 4-H have a kitchen? I think they do.

Commissioner Mourdock: Yes. Sure.

Commissioner Mosby: So, I mean, now we're at \$1,600 as opposed to \$1,135.

Commissioner Mourdock: But, I'm not sure that that rate includes the kitchen at the 4-H either. Coming back to your question, and it is a good question. I know the common thing I hear, every time there's a meeting at the 4-H, it's about the sound system, and you can't hear well. You know, maybe will this building have a lot better sound system? I mean, those are the kind of things that we won't know, unfortunately, until it's really up, but—

Steve Craig: Right, and it's a brand new building—

Commissioner Mourdock: Yeah.

Steve Craig: —versus an older building with hanging furnaces right in the middle of, you know, the building. I don't know, like I said, that was not my number that I had came up with. It was what they suggested. I think they did this so that you guys could take a look at it—

Commissioner Mourdock: Sure.

Steve Craig: — and if you want to bring it down you could, or if you thought it should be higher, you could do that.

Commissioner Mourdock: I'm always one who will support doing what we can to get a lot of use out of this first few years. I mean, if we need a lower rate just to get people in the habit of using it, then we can raise the rate later, or something.

Commissioner Mosby: That's my theory exactly. I want it to be user friendly. I mean, at this price, I'm not sure that we're not going to disqualify a lot of people.

Steve Craig: Right.

Commissioner Mosby: And that's not my intent at all. My intent is to have this building used as much as possible, so.

Steve Craig: Then you have my work report for the last two weeks.

President Fanello: Are there any other questions for Steve? Thank you.

Steve Craig: Thank you.

Commissioner Mosby: Thank you, Steve.

**Soil & Water Conservation District**

President Fanello: Soil and Water.

Norma Duckworth: Norma Duckworth, Soil and Water Conservation District. Things are, there's really not a whole lot of specifics to report on. We are starting the Howell Wetland, the funds we got from Clean Water Indiana, I believe we're going to start on that this week to stop the erosion out there that's eating away that one whole side. NRCS has agreed to do some of the survey and design, because it has to meet their specs. So, we're having a meeting out there on Thursday. The zoo project, we're still waiting, it was a replacement project for (Inaudible) and we're still waiting on final approval from the state on that. One issue we brought up before is McCutchan Court. With the lack of rain, there's really not a soil erosion problem out there right now, but we are still checking on that. The pictures that I brought is, this is an area that has gotten a lot of attention, so I thought I would comment on it. It's behind University Shopping Plaza, and the ditch that you see there does go directly into Carpenter Creek. So, there is the issue of there is a great potential for sediment to go into Carpenter Creek. So, we're really keeping an eye on it, and working with them. As of this last week, they had declared it a Rule Five site, which that was an issue up until just a few days ago. So, we'll be getting an erosion control plan. They have agreed to stop any construction, other than trying to prevent some of this soil from going down the ditch. The one reason that it is a problem right now, is the water coming from the lake, normally, with no rain, there wouldn't be, but there's enough water moving that a lot of this is being carried down. It is something that everybody's been getting together on. I think we're making progress. So, other than that, everything's pretty routine.

Commissioner Mourdock: Who will be the permittee for Rule Five?

Norma Duckworth: Who will be the?

Commissioner Mourdock: Who will be applying, since a Rule Five permit is required, who is filing to get that permit?

Norma Duckworth: It's my understanding, we only have, at this time, because we have not been given a soil erosion control plan, or an NOI, it's our understanding it is a board that is over this project. The only contact we have right now, directly, is a realtor named Jan Meeks. She is who we communicate with, and then she's getting back with us. We haven't had any direct contact with the board members.

President Fanello: And just real quick, I know, I think it was your minutes I was reading. I read so many, I can't remember which one's I read, but were you guys trying to schedule a meeting, or a seminar with the homebuilders, or something?

Norma Duckworth: Yes.

President Fanello: I thought that, I thought that sounded like a good idea, and didn't know how far along you were with that? I had spoken to Bill Pedtke a couple of times.

Norma Duckworth: I was working on it, and we've kind of shifted, and Bonnie is, Bittner, is getting together with some of the different parties, and I really don't know.

Originally, we had hoped to do it by this fall, late fall, in November, but the way it looks now, and, I mean, this is just me talking, it appears that it will be, probably, next spring. It's still on-going, it's not something that's been dropped.

President Fanello: Okay.

Commissioner Mosby: I had a question. I don't know what you'll know about this, because I got a call from a gentleman out on Graff Road. 4201 Graff Road project. I see where there was a visit made out there on August the 26<sup>th</sup>. I'm wondering what the status of that is.

Norma Duckworth: I'm not sure. Some things Michael and I do together, and we confer on, and other things I have to go to the records for. If it's something that he's gone out on, and we haven't discussed, I'm trying to...is that in his report?

Commissioner Mosby: Yeah.

President Fanello: Uh-huh.

Commissioner Mosby: I think it's something to do with a lake overflow. I'm not sure.

Norma Duckworth: It's to do with a lake?

Commissioner Mosby: With a lake overflow. I'm not sure of the exact. I would have to go back to my minutes of the conversation I had with the gentleman, but I would like for him to comment on that. I want to see where that's at.

Norma Duckworth: I will mention that to him tomorrow. Do you want him to just send you something on it?

Commissioner Mosby: Have him give me a call.

Norma Duckworth: Have him give you a call? Okay.

Commissioner Mourdock: I think we got some correspondence, each of us, just in the last day or so, from Bill Jeffers on that.

Commissioner Mosby: I got something from Bill.

Commissioner Mourdock: Okay.

Commissioner Mosby: And I want to see what they've got.

Commissioner Mourdock: Okay.

President Fanello: Thanks.

<b>Ozone Officer Report</b>
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Commissioner Mourdock: I'll move approval of the Ozone Officer's Report into the record.

President Fanello: Okay. Ozone Officer, he made a motion to approve the Ozone Officer's Report.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Consent Items</b>
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President Fanello: Let's see, Consent Items.

Commissioner Mourdock: We've added that one Consent Item, and, David, I don't know if you saw it, but that one request for Family Medical Leave, we did get information on. That would only go until October 21<sup>st</sup>, so that clarified that issue. So, I will move approval of the Consent Items as filed with the one addendum.

Commissioner Mosby: Second.

President Fanello: So ordered. If there's no other business, I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:22 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

County Highway	Voters Registration	County Clerk
Public Defender	SWCD	Area Plan
Health Department		

**Employment Changes:**

Circuit Court	Treasurer	Surveyor
Armstrong Assessor	County Highway	Health Department
Superior Court	Sheriff	County Assessor
PTABOA	Legal Aid	County Council
Pigeon Assessor	County Clerk	Center Assessor
Recorder	Burdette Park	

**Sheriff:** Weekly Jail and Community Correction Reports.

**Auditor:**

Submit Accounts Payable Vouchers.  
Submit Financial, Cash and Expenditure Reports.

**County Clerk:** Submit Monthly Report for July 2002.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Steve Craig
Brad Ellsworth	John Stoll	Dennis Hudnall
Norma Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 16, 2002**

The Vanderburgh County Board of Commissioners met in session this 16<sup>th</sup> day of September, 2002 at 5:31 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, September 16<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Deputy Chief Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of September 9, 2002 Commission Minutes**

President Fanello: Approval of September 9<sup>th</sup> Commission minutes.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Approval of September 16, 2002 Executive Session Summary Minutes**

President Fanello: Approval of the Executive Session summary minutes.

Commissioner Mourdock: I'll move approval of summary minutes for this evening. The three Commissioners, and Mr. Fluty, and the County Attorney gathered at 4:00, and ended at 5:15. Discussed pending litigation, county personnel matters, and—

Commissioner Mosby: Collective bargaining.

Commissioner Mourdock: —collective bargaining. Thank you.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to award APA053-2002:  
Network Infrastructure Hardware Upgrade**

President Fanello: Phil Lawrence, permission to award APA053-2002, Network Infrastructure Hardware Upgrade.

Phil Lawrence: Yes, indeed. You said that so smooth. We have, as you recall, we did have two bidders, SBC and Matrix Integration. We found out SBC/Ameritech was the low bidder, and our recommendation is that we award it to SBC/Ameritech.

President Fanello: Are there any questions?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

**Opening of Cash Management Bid Packages**

President Fanello: County Treasurer, opening of cash management bid packages.

Kevin Winternheimer: Yes, I will take care of that, and open them. Are there any bids on this from the audience? Seeing none. I have three bid packets.

Commissioner Mourdock: I'll move the opening of the bids, then, for the cash management package.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: Am I looking for a number? What am I looking for besides a bidder?

Z. Tuley: Historically speaking, I think that we've just said that the bids were opened, and we just stated who all had submitted them. We didn't get into numbers until we come to the recommendations.

Kevin Winternheimer: Okay. The first packet I opened is from Old National Bank of Evansville. There is a lot of numbers they've listed. The second is from Integra Bank of Evansville. The third and last proposal is from Fifth Third Bank. That's all I have.

Commissioner Mourdock: I'll move we take the bid packages under advisement, and the County Treasurer report back.

Z. Tuley: Thank you.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Z.

Z. Tuley: Thank you.

**Permission to Advertise Surplus Vehicles for Auction**

President Fanello: Tammy McKinney, permission to advertise surplus vehicles for auction.

Tammy McKinney: I need to ask permission to sell the county's surplus vehicles on auction, Thursday, October the 3<sup>rd</sup>.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Permission to Advertise Polling Places for 2002 General Election**

President Fanello: Auditor, permission to advertise polling places for 2002 General Election.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second, and just, my second still stands, a quick item of discussion, last time we spoke about this, there was some question about the ADA accessibility, did we get those resolved, do you know?

President Fanello: Well, I know we've designated the Civic Center as the main location—

Commissioner Mourdock: Okay.

President Fanello: —regarding those.

Commissioner Mourdock: Okay.

President Fanello: Does that answer your question?

Commissioner Mourdock: You're right. I'd forgotten that bit of a discussion.

President Fanello: Okay.

Commissioner Mourdock: I just, maybe even by speaking of it here, we just need to reiterate that if there are people in the community who otherwise would have difficulty, for accessibility reasons, to their polling places, that they would have the chance to come to the Civic Center.

President Fanello: Uh-huh. Will our advertisement reflect that?

Commissioner Mourdock: It should.

Kevin Winternheimer: It's in there.

Commissioner Mourdock: Okay.

President Fanello: Okay. Great.

Madelyn Grayson: I'll just need clarification on the dates. When we want that to be advertised, because that's...there's been a bit of discrepancy in the past on that.

Kevin Winternheimer: Just call me on that.

Madelyn Grayson: Okay, I will.

President Fanello: Okay.

**Gary Heck: Welfare to Work**

President Fanello: Discussion items, first and only thing on the agenda is Gary Heck, Welfare to Work.

Gary Heck: Good evening. Gary Heck, Lieberman and Associates. I believe in your packet you have some reports from the Lieberman and Associates, as well as the minutes from the local planning council's meeting, as well as the bullet points that asking, that list the recommendations of how to recall clients to the Gatekeeper Program, now that funding has been partially restored. On that same packet, there was some, we had been asked to provide some information concerning how the administration worked, and what kinds of work was, what kind of work was performed in exchange for the percentages. That's in there as well. So, there are, or there are some bullet points that talk about how to do the recall, and what prioritized need recommendations were there. In the past it has always been customary for the planning council to make a recommendation to the Commissioners, and then for the Commissioners to review, discuss, and either accept those recommendations or modify them. That's why I'm here.

President Fanello: Okay, and can you just summarize the recommendations briefly?

Gary Heck: The recommendation for what prioritized need order to use would be to do a calculation that takes the number of family members in a client's family, they divide that number by the total income for that family, and that produces a dollar factor. That dollar factor is carried out to four points past, to the right of the decimal point, and then you sort from the lowest dollar amount to the highest dollar amount, with the lowest dollar amount representing the most need. The highest dollar amount representing the less need. Then since it's carried out four places, you don't have very many ties when you go down through the list, so that it actually puts family in a numerical order that you recall from. For sake of a better term, we've used the term recall, just since it would hopefully make sense to people. So, that's the recommendation. We would then take and project that family's dollar amount, through the end of the year, or until their 12 month service period ends, because they may have already used a certain amount of weeks where they may have four to six weeks left, for instance. Well, they wouldn't be eligible for any more than the 12 months, or 52 weeks that's provided in the program. Because this is just temporary assistance. This is not a replacement for Welfare, never has been. It's

a program for the working poor who have demonstrated initiative. Then as you project those dollar amounts, you use a declining balance method, with the dollars that are available, you subtract out those that are obligated through the end of the year, and you continue to put families on until you zero that out. That's basically the method that will be used.

President Fanello: Are there any questions? Then you have the priority...it looks like you've set the priorities for 2003.

Gary Heck: There was a recommendation that said with the dollars that will be in the county budget for next year, the recommendation from the planning council was to put 90% of those funds in the Child Care, 10% of those funds into the Safety Net or car repair program, because no matter who does a survey in this state, the two most important needs that prevent someone from being able to be productive are child care and transportation. That was the feeling of the council when they made their recommendation.

President Fanello: Are there any questions by the Commission?

Commissioner Mourdock: No questions from me, just my normal comment every time I think you come here, Gary, is to make this program work, we need to continue to document how it's working on a face by face basis, as far as having those success stories. So, I would urge you to continue to do that.

Gary Heck: I guess, the only thing that I would add is that I've been told that the funds have been approved by the State Board of Accounts, so that it will be available.

President Fanello: Yes.

Gary Heck: So, our hopes would be that when you all take action, which sets up what the priorities would be, we would be able to start this process very quickly, and begin to issue vouchers again starting this Saturday.

President Fanello: Okay. If there are no other questions—

Gary Heck: Excuse me, make that Sunday, September 22<sup>nd</sup>. I'm sorry.

President Fanello: Okay.

Commissioner Mourdock: Okay.

President Fanello: If there are no other questions—

Commissioner Mourdock: Just to define what Gary just said, by taking action to accept those reports are we in a position to otherwise do what Gary just requested? Basically, kick this into action September 22<sup>nd</sup>?

President Fanello: Yes.

Gary Heck: It would be Sunday, September 22<sup>nd</sup>.

President Fanello: The money is in place as of today, yes.

Gary Heck: The money is in place, and purchase orders, my understanding is purchase orders have been requested.

President Fanello: Then you're ready to go.

Commissioner Mourdock: With that I would move approval, well, first of all, acceptance of the report, and also move approval of the recommendation of the Welfare to Work Council.

President Fanello: Do you have a question?

Commissioner Mosby: No.

President Fanello: Okay. Do you want to second? Okay. I'll second the motion.

Commissioner Mourdock: And so order.

President Fanello: So ordered.

Gary Heck: Thank you.

#### Public Comment

President Fanello: Is there anyone in the audience wishing to address the board? Seeing none.

#### Old Business

President Fanello: I'll move on to Old Business. Anybody have any Old Business?

Commissioner Mourdock: Yeah. One bit of Old Business, and, Catherine, you and I have swapped e-mails on this, on the choice of election machines, given what happened in Florida this past week regarding all of the new, wonderful, gee whiz, Spanky, exciting, electronic technology, I am even more concerned about all this move that we have state-wide toward some of the electronic voting machines. So, again, per the swapping of e-mail that you and I have had, I think it's going to be worthwhile to pursue, especially on the optic scan machines, reports that some of the hard copies were otherwise destroyed during that process. To me the advantage of the hard, of the opti-scan, which we've here voted on before, has always been that you had that hard copy left. Apparently, in Florida, some of those machines otherwise ate the hard copy. So, I will have some dialogue with vendors of opti-scan, and also try to contact the Secretary of State's office in Florida to see if we can get a report back to explain what happened.

President Fanello: Thank you. Commissioner Mosby, do you have anything? I've got two. From our discussion last week on the land for the new jail, I have two proposals, well, actually, more than two proposals, two different topics here. As I said last week, I think it's important that we move forward with our own environmentals, and appraisals, and geo-tech. So, I do have some proposals here, and three price quotes for each of these things. First one being the phase one environmental, Earth Exploration Incorporated, \$2,000. Environmental Management Consultants, Inc., \$2,000, and United Consulting has also put in a

quote for \$2,250. Then on the geo-tech, which includes 45 soil borings at 20', 10 soil borings at 30', and five soil borings at 50', three week period to complete the report, beginning once contract is signed, and assumed structural load of a pre-cast concrete structure with steel support, two stories high, providing ten originals of the report. The three proposals are as follows; Hanson Testing and Engineering, \$32,500. Alt & Witzig Engineering, which is the one's that performed the one on the Civic Center location, \$11,125, and Earth Exploration, \$21,500. So, I guess, I would like to make a motion that we move forward with these two proposals, to keep this project moving. I know that, sure, CSX will do their own phase one, and all of that, but I'm going to feel much more comfortable if we're taking steps to protect our interest, as much as possible.

Commissioner Mourdock: Just to be very specific here, the geo-technical, at least as I understand that, and I have not seen either of those documents, obviously. Geo-technical is typically far removed from the environmental. So, let's do them as two separate things.

President Fanello: Yeah, we do need to do them separately. Okay.

Commissioner Mourdock: So, as far as you're, David, you're conversations with CSX, they are continuing to do their own environmental to provide us a report on phase one. Is that correct?

Commissioner Mosby: They are doing a phase one environmental with Earth Tech.

Commissioner Mourdock: Okay.

Commissioner Mosby: And that's done been ordered, and as soon as they get the report, he said he'll get it to my hands.

Commissioner Mourdock: Okay. So, Catherine, again, I want to be specific, you said the magic words, I make a motion, I presume that motion was specific to environmental.

President Fanello: Well, I'll go ahead and separate them. Motion number one is to, for Alt & Witzig, which was the lowest bidder for the geo-tech of \$11,125.

Commissioner Mosby: Second.

Commissioner Mourdock: For the geo-tech, you're talking about?

President Fanello: Yes, I'm sorry. Yes.

Commissioner Mourdock: I'll put all my cards on the table, I was intending to vote for the geo-tech on the second vote, but not if we're going to do it first. Let me explain why.

President Fanello: Okay.

Commissioner Mourdock: Because the geo-technical is something that we ought not, in my opinion, even vote on until we know, for sure, that we're buying that property. We have said here, as a board, previously as we looked at this specific property, that if, in fact, there's environmental contamination out there, we might not

buy the property. So, what my suggestion on the geo-tech was going to be, was to set that aside until we know for sure that we're going to buy this property, based on the other environmental results. I think—

President Fanello: I don't have a problem with that, because, and these proposals were sent to me, and I did not have extensive discussion, but it's my understanding from Paul Summers that Commissioner Mosby had extensive discussion with him on these. So, maybe he can answer some of the more technical questions.

Commissioner Mosby: I think that's their intent completely, is to first get the phase one environmental in, and look at it, and make sure there's no problems, and probably go into a phase two, if for any reason we want to. They would not do the geo-tech unless we intended to move forward.

Commissioner Mourdock: Okay, let me—

Commissioner Mosby: So, if there's any environmental problems, no, we wouldn't order the geo-tech right away.

Commissioner Mourdock: Right. Let me ask you to amend your motion, and I'll say it in the way I would support it.

President Fanello: Okay.

Commissioner Mourdock: I would support that hiring for the geo-technical report, if, in fact, we have purchased this property. But, again, to do the geo-technical before we purchase any property, I think, is a poorly advised move.

President Fanello: Oh—

Commissioner Mosby: That's not the intent.

Commissioner Mourdock: Okay, well—

Commissioner Mosby: The intent was to—

Commissioner Mourdock: Well, if you'll amend your motion—

President Fanello: I'll amend my motion to say, once environmental are completed, if it is necessary to move further with the geo-tech, I move that we go with the lowest bidder, Alt & Witzig.

Commissioner Mourdock: Is that saying once we've purchased the property?

President Fanello: Once we've purchased the property.

Commissioner Mourdock: Okay. So, if that was the motion—

President Fanello: That's the motion.

Commissioner Mosby: No, no, no. You're saying once we've purchased the property.

Commissioner Mourdock: That's right.

Commissioner Mosby: No. We're going to do a geo-tech before we purchase the property to make sure the property is good. Why would you buy property you couldn't build on?

Commissioner Mourdock: The geo-tech—

Commissioner Mosby: I mean, if we find out that this property is not going to hold the building, why would we buy it? You're saying after we've purchased it we're going to test it.

Commissioner Mourdock: No. The geo-tech isn't going to tell you whether you can build on the property, it's going to determine the methods that you use to build on the property.

Commissioner Mosby: And if the methods are too extensive or expensive, we don't want the property.

Commissioner Mourdock: I wouldn't think that to be an issue on this property, since I've heard you say that they've got the records that this property has been used for farm ground for 50 years, or whatever.

Commissioner Mosby: I understand that, but why...I'm saying that we do the geo-tech and make sure the property is okay before I spend a million dollars. I'm talking about spending \$11,000 as opposed to a million. You're saying let's spend a million dollars and then do an \$11,000 test to make sure it's good.

Commissioner Mourdock: Well, that's right, and, again, the \$11,000 test is not going to in any way, that I can possibly imagine, disqualify that property.

President Fanello: Well, I don't think it will disqualify—

Commissioner Mosby: Well, you're getting ready to tell me you are going to oppose \$2,000 for an environmental. So, you wanted to vote on this one first, but you—

Commissioner Mourdock: That's right, and I'm not voting for the \$2,000, because I don't think that's money, we, as the purchaser should spend, which I've said before. Get us out of this, Catherine. Where do we go?

President Fanello: Okay.

Commissioner Mosby: I done made a second to your motion, so I don't even know what we're—

President Fanello: That's right, you did. I'm going to go ahead...I do agree with Commissioner Mosby on that we do need to do it before we purchase the property. I mean, that makes sense. Like I said, these were sent to me as the President, and I told them I would present these, but he's the one that had extensive discussion. So, I cannot say that I've had extensive discussion with them on the technical information. If that's the feeling, and that's the suggestion by United, then I'll go along with that, and only amend my motion to say once the environmental is done. So, if you want to go ahead—

Commissioner Mosby: I'll second.

President Fanello: Okay. So, so ordered on that one.

Madelyn Grayson: President Fanello, is there a copy of that for the record?

President Fanello: There is a copy of the proposals, yes. I'll give you a copy.

Madelyn Grayson: And may I make a quick tape change?

President Fanello: Yes.

**(Tape Changed)**

Madelyn Grayson: Thank you.

President Fanello: Then the other proposal that they sent down was the phase one environmental, which as was said, was only \$2,000. One was for Earth Exploration, and one for Environmental Management. I believe, Environmental Management is our local firm. So, I would be in more support of that one.

Commissioner Mosby: I'll second that.

President Fanello: I'll make that in the form of a motion, and you seconded it. So ordered. Now, is there any other updates on the property? Have you heard anything else?

Commissioner Mosby: No, but I do have a paper from Larry Farmer in the amount, or it's an estimate to do a survey. I'm sorry, not a survey, an appraisal of the property. His quote is \$1,900 to appraise the property. I would feel very comfortable if we would spend \$1,900 to appraise the property to make sure our appraisal meets their appraisal.

President Fanello: Kevin, do you—

Commissioner Mosby: Oh, and Kevin informed me that this is \$1,900 to do the original appraisal, but we have to do a review of the appraisal—

Kevin Winternheimer: Right. We need two appraisals. The original appraisal, and a review appraisal. So, and it can be someone in the same firm. It just has to be another licensed appraiser.

Commissioner Mosby: Okay. So, I would make a motion that we do this, plus a review of whatever the review will cost us, and I don't have a price on that yet.

Kevin Winternheimer: Yeah, you can come back and get that. I mean, obviously, Mr. Farmer has to do his thing first. You can come back with a price for that.

Commissioner Mourdock: I'll second the appraisal.

President Fanello: So ordered. Okay, is there any other Old Business?

Kevin Winternheimer: Do you need to do your burn—

Commissioner Mosby: Oh, yes, we've got to do the annual, or the weekly burn. We cannot, and I asked if I could do this for an extensive period of time, but Kevin says no. So, once again, I would like to make a motion that we put in effect no open burning, as of 5:30 this afternoon, until September 23<sup>rd</sup> at 5:30, unless we get an enormous amount of rain.

Commissioner Mourdock: Second.

Commissioner Mosby: Which is very unlikely, so.

President Fanello: So ordered.

Commissioner Mosby: I don't know if she needs that.

President Fanello: Do you want to go ahead and sign it?

Commissioner Mosby: Sure.

President Fanello: Is there any other Old Business?

#### **New Business**

President Fanello: New Business. New Business, I have a little bit of New Business. Just to pass out to each of the Commissioners, I got back the other day the draft proposal on the new employee handbook. So, if everybody will take time to look at that, and we can, over the next couple of weeks, get responses. If there is no other New Business, we'll move on to department head reports, County Engineer.

Bill Fluty: Catherine, we'll need a copy of that.

President Fanello: Okay.

#### **County Engineer**

John Stoll: I've just got two items. First, I would like to request to go to County Council to transfer \$4,000 from the Old Henderson Road Bridge Account to the Engineering Equipment line item, to purchase a new blueprint machine. Our existing blueprint machine is shot.

Commissioner Mosby: So moved, or motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The other thing was, I just wanted to give you an update on the bridge out on Rodenberg Avenue. Valerie has completed a plan. She's met with Mr. Hatfield, who's one of the two property owners we would need right-of-way from. He is supposed to get back with her in the next week or so, whether or not he would be willing to donate the right-of-way. She has another meeting set up for this week for the other property owner that we have to acquire right-of-way from. Don't know

how receptive they will be to the dedication of the right-of-way, but we should have some answers here shortly. We have set it up, because the site is so inaccessible, we've set it up as a corrugated metal pipe, because that's the only thing that we can get back there. That's kind of where we stand now, and I'll give you another update whenever we get some more data. That's all I have.

Commissioner Mourdock: Expect a call from Rob Faulkner on, what's that lane?

Commissioner Mosby: Oh. It's the George Hoffman, Brust, I think, Brust was the guy's name.

John Stoll: Oh, Richland Estates.

Commissioner Mosby: Richland, yeah, where we sold the road.

John Stoll: Yeah.

Commissioner Mosby: Yep.

John Stoll: Rob sent me a memo on that last Thursday or Friday that basically said that it's no different than anybody else owning out to the center of the road, or anything like that, so.

Commissioner Mourdock: Yeah, that's what we need to do is put together some property descriptions for those segments to the center of the road from the adjoining land owners. He'll talk to you.

Commissioner Mosby: Yeah, because I was going to say, because we, I think I just understood what you had to say, but that's totally different than what we said tonight.

John Stoll: I was going to say, Faulkner's memo basically said it was okay as is, on the basis that people can own to the center of a road. So, this was no different. It's just that this one showed up on a surplus property sale.

Commissioner Mourdock: Right.

Commissioner Mosby: Well, this one was actually, I guess, plotted as a piece of property, and the guy bought it with the intention of building on it.

John Stoll: Right.

Commissioner Mosby: Come to find out when he went out there, it's actually the road.

John Stoll: Right.

Commissioner Mosby: So, I mean, he now owns a road, and I understand what Rob was saying about owning the fee underneath, but George...the guy doesn't want the property, and these people out there would like to know that they own their own road. So, I think what we said was, give him his money back, and let's accept the neighbors money. If they want to divvy in and plot it out, and they'll all own it.

Commissioner Mourdock: Hence my comment to you, that's what we need to do—

Commissioner Mosby: Yeah.

Commissioner Mourdock: —is divvy up how that acreage goes to the center of the line.

John Stoll: Okay. That's more than I'd gotten from Rob in his memo last week. So, I follow you now. I'll get in touch with him. That's all I have. Thanks.

President Fanello: Thanks, John.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. I have two items, one that I would like to report that the Ohio Street approaches, east and west, are completed. They've been paved, look pretty good. Another item is on the cost packages that I presented to you last week, I'm trying to get some specs written to make sure everybody is bidding on the same kind of equipment. I'll have those for you next week. We've solicited those vendors, and they are putting the packages together now. So, I'll have those next week. That's all I have. You have my report, if you have any questions.

President Fanello: Is all the paving that's still out, is that the contractual paving that's still being done?

Dennis Hudnall: Yes. We're getting ready to start the approaches on the First Avenue Bridge. So, those are being completed.

President Fanello: Are there any other questions?

Commissioner Mourdock: Where was, where is Lost Bend Road and Tupman Road?

Dennis Hudnall: Lost Bend and Tupman Road is out off of Upper Mount Vernon Avenue, by Tupman Cemetery.

Commissioner Mourdock: Okay, when I was looking—

Dennis Hudnall: It's one block over from Red Bank Road.

Commissioner Mourdock: Okay.

Dennis Hudnall: That's, Tupman Road, we completed it last week, as far as paving.

Commissioner Mourdock: Right.

President Fanello: Thank you, Dennis.

**County Attorney**

President Fanello: County Attorney.

Kevin Winterheimer: I just have one matter, and that's permission to appeal the Tax Sale case that we talked about in the Executive Session.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winterheimer: That's all I have.

President Fanello: Okay, and if I understand it, we're doing a purchasing seminar, policy seminar tomorrow.

Kevin Winterheimer: Yes.

President Fanello: Okay.

Kevin Winterheimer: Tomorrow at 10:00.

President Fanello: Okay.

Kevin Winterheimer: Anyone interested, feel free to come.

President Fanello: Yes. I'm sure they will rush to the doors. Anyway, that seminar is intended to update everyone on the new purchasing policy.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have two late pink slips that I need to be approved tonight. That's all I have.

Commissioner Mosby: Motion to add the pink slips to the Consents.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. First thing I have is a request by the local Sam's Club.

Commissioner Mosby: I was going to do that under New, Old Business, New Business. I think everybody had a copy on their desk, and I will make a motion that we waive for a one time deal to let Sam's Club, along with Melrose Pyrotech to do fireworks at Burdette Park on October 6, 2002, if, and only if, it rains, and I don't have to read this open burn again. I would suggest that, and I'm sure Melrose is very aware, but they need to have public safety units out there. The same as we do in the city when they do the fireworks that they will have—

Steve Craig: Yeah, they've been in contact with Perry Township—

Commissioner Mosby: Okay.

Steve Craig: —Fire Department.

Commissioner Mosby: I knew it was covered by Perry, and as long as Perry has maybe one pumper and their weed truck out there.

Steve Craig: We told them that if it, you know, didn't rain, and they didn't lift this ban, that it was a no go no matter what was—

Commissioner Mosby: I read that, I read that in there.

President Fanello: So, you're not making a motion to waive the—

Commissioner Mosby: I made a motion to waive—

President Fanello: Oh, okay.

Commissioner Mosby: —to let them do this on October 6, 2002 at approximately 8:00 p.m.

President Fanello: Okay.

Commissioner Mosby: With the understanding that the open burn is not still in effect, and with the understanding that Perry Township provides—

President Fanello: Then you're not waiving the open burn?

Commissioner Mosby: No. If we still have an open burn—

President Fanello: Okay.

Commissioner Mosby: —right now you cannot set fireworks off period. We'll waive that as long as long as we don't have the open burn, but if we have the open burn, then it's still off. Did I confuse you?

President Fanello: Yes.

Commissioner Mosby: Okay. It says here that due to existing park rules that bans fireworks from Burdette Park, they are asking that we give the right for Sam's to do this.

President Fanello: Uh-huh.

Commissioner Mosby: Okay.

President Fanello: Right.

Commissioner Mosby: It says existing park rules says you never have fireworks in the park.

President Fanello: Okay.

Commissioner Mosby: Well, I'll waive that as long as the open burn ain't still in effect.

President Fanello: I missed the park rule.

Commissioner Mosby: Oh, it's in there.

President Fanello: Sorry. Now I understand.

Commissioner Mourdock: And for the record, I understand in that letter it also says that they will provide, or have already provided a copy of an insurance certificate to the tune of four million dollars?

Steve Craig: Four million. You should have gotten one of those.

President Fanello: Uh-huh.

Commissioner Mourdock: Okay, and—

Commissioner Mosby: It's right here.

Commissioner Mourdock: And, Kevin, is there any other indemnity language, beyond what might be provided in that insurance letter that we should be looking at?

Kevin Winternheimer: I haven't seen the original letter, so.

Commissioner Mosby: Here's the letter, and that's the insurance.

Kevin Winternheimer: We've got the Board of Commissioners, Vanderburgh County, Perry Township Volunteer Fire Department, and I don't know why, but the City of Evansville has additional insurance, so that should be okay.

Commissioner Mourdock: Okay. David did make the motion with the comments about the burning, so with the insurance provision, I will second.

President Fanello: So ordered.

Steve Craig: The second thing I have—

Commissioner Mourdock: Excuse me, Steve, next time somebody comes to you and says they do want to do fireworks, because it will happen, just remind them that we have that four million dollar insurance provision there.

Steve Craig: Okay. The second thing I have was the prices for the O'Day Discovery Lodge. I had sent you things that was comparable in size to what we're going to be, and had it broke down.

Commissioner Mourdock: I don't know that we need to do anything other than take these under advisement at the moment.

President Fanello: Yeah.

Steve Craig: Yes. We have an advisory board meeting again this coming Wednesday, and I will bring it up to them again that we have taken this under advisement, and that given this breakdown, because at that time, they didn't have all of this--

Commissioner Mourdock: Okay.

Steve Craig: --to take a look at.

President Fanello: Are there any other questions?

Commissioner Mourdock: I would just add to the comment, and, I think, David, you shared my opinion on this one last time, when you meet with the advisory board, and we try to establish pricing for the lodge, I think one of our criteria needs to be what is it that we can do to help maximize the use of that building? So, if that means, even for the first year or two, we discount the rate a little bit, so that we get more people using that building, I think that would be a good thing.

Steve Craig: Okay. One other thing, I think I need to request that I get on the Executive Board meeting next meeting, to discuss a family leave.

Commissioner Mourdock: Our favorite topic.

President Fanello: Are we needing to have an Executive Session next week?

Kevin Winterheimer: At this point, I don't have a need, but--

President Fanello: I guess, we could go ahead and maybe do one at 5:00, 5:15.

Steve Craig: We could do it the next one--

Commissioner Mourdock: Okay.

President Fanello: It can wait?

Steve Craig: If you would have one then--

Commissioner Mosby: Wait and see if we have anything else come up.

President Fanello: Okay.

Commissioner Mourdock: Well, David's not going to be here next week.

President Fanello: Oh, that's right.

Commissioner Mosby: That's right.

President Fanello: So, we'll wait for two weeks then.

Commissioner Mourdock: Yeah.

Steve Craig: Okay.

Commissioner Mourdock: Okay.

Steve Craig: Because I'm just kind of betting on it anyway.

President Fanello: Okay.

Steve Craig: I think that's all I've got tonight.

President Fanello: Alright.

Steve Craig: Except for my worksheets.

President Fanello: Thank you, Steve.

Steve Craig: You're welcome.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have the Soil and Water Report, and the Ozone Officer's Report, and I would move those be added to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

Commissioner Mourdock: And with the approval, or the addition of the two Consent Items, I would move the approval of the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered. If there is nothing else, I'll take a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: We'll start Rezoning in ten minutes...well, do you want to go ahead and do it? That's...we only had—

Commissioner Mourdock: It's a published time.

President Fanello: Is it at a published time?

Commissioner Mourdock: Who cares? Who cares? Let's do it in ten minutes.

President Fanello: Okay. We'll do it in ten minutes.

Commissioner Mourdock: Yeah.

President Fanello: Okay. Rezoning in ten minutes.

The meeting was adjourned at 6:06 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

SWCD	Commissioners	County Engineer
Center Assessor	Health Department	

**Employment Changes:**

Election Office	Auditor	County Highway
Circuit Court	County Clerk	Prosecutor
County Council	Burdette Park	Sheriff Department

**Sheriff:** Submit Weekly Jail and Community Correction Reports.

**Auditor:**

Pass Through of Grant Application for Sheriff Dept: Operation Pullover

**County Assessor:** Declaration of Surplus Equipment

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Z. Tuley
Gary Heck	John Stoll	Dennis Hudnall
Steve Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
SPACE ALLOCATION MEETING  
SEPTEMBER 16, 2002**

The Vanderburgh County Board of Commissioners met in special session this 16<sup>th</sup> day of September, 2002 at 5:21 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

President Fanello: Call to order the Vanderburgh County Space Allocation meeting, September 16<sup>th</sup>. Dave Rector.

Dave Rector: Update?

President Fanello: Yes.

Dave Rector: Okay. Good news. I developed a scope of work for the design services to do the as-builts, and sent those out for quotations. Have one in. Expect the other one in tomorrow or Wednesday. By the end of next week we'll make an award for them to start. It probably will take them two to three weeks to do the as-builts. So by about the first week in November, we should have the as-builts complete, and able to start then playing with different space planning needs, and additional square footages. Came in quite a bit higher than I was hoping. I think we have a way of funding it out of our budget.

President Fanello: Yes.

Dave Rector: But, I don't see a way around it. I think we are going to have to do the as-builts in order for us to move forward with this space planning.

President Fanello: Anybody got any questions?

Commissioner Mourdock: It's as-builts for both this building and courts?

Dave Rector: Yes.

President Fanello: So.

Commissioner Mourdock: I don't have anything else.

President Fanello: No other questions? Alright.

Commissioner Mourdock: Yeah, just one quick one.

Dave Rector: Sure.

Commissioner Mourdock: Are you getting not only the as-built drawings, but do you also have a CD that that comes in on AutoCad?

Dave Rector: Yes. I do have, I have two CD's in my office now, if you want to...if you have AutoCad capabilities. If you want to be able to put it on your computer, you can do that.

Commissioner Mourdock: Yeah. I have the capability. I don't know that I have the time.

Dave Rector: Yeah. I had it broke down in the scope of services for architectural

as-builts, and then mechanical and electrical. Due to the expense, we're going to get the architectural done first, and we may be able to wait to do the mechanical, electrical as we do the space planning, perhaps.

Commissioner Mourdock: Okay.

President Fanello: Any other questions?

Commissioner Mourdock: No.

President Fanello: If not, I'll take a motion to adjourn.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Dave Rector: Thank you.

President Fanello: Thanks, Dave.

The meeting was adjourned at 5:22 p.m.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Dave Rector	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 23, 2002**

The Vanderburgh County Board of Commissioners met in session this 23<sup>rd</sup> day of September, 2002 at 5:29 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, September 23<sup>rd</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winterheimer. To my left, Commissioner Mourdock; Suzanne Crouch, County Auditor; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes:  
September 16, 2002 Commission Minutes  
September 16, 2002 Space Allocation Minutes**

Commissioner Mourdock: I'll move approval of the minutes of September 16<sup>th</sup> for both the Commission meeting and space allocation meeting.

President Fanello: Second, and so ordered.

**Permission to Advertise VC-26-2002: Towing Contract**

President Fanello: First item is Phil Lawrence, permission to advertise VC-26-2002, towing contract.

Phil Lawrence: Yes, permission to advertise. These are the contracts for the county wrecked and abandoned vehicles. We're going to advertise September 27<sup>th</sup>, October 4<sup>th</sup>, and open the bids here October 14<sup>th</sup>.

President Fanello: Okay.

Commissioner Mourdock: Motion to approve the advertising.

President Fanello: Second, and so ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

**Award of Cash Management Bid Packages**

President Fanello: County Treasurer, award of cash management bid package.

Jason Perry: Hello, I'm Jason Perry. I'm the Chief Deputy Treasurer, here on behalf of the County Treasurer. The Treasurer delivered six requests for proposal of cash management services, and I have a memo that details the results of that that I would like to hand out.

Commissioner Mourdock: Thank you.

Jason Perry: Based on the results of the bids, the Treasurer recommends that Old National Bank be the bank for the next two years.

Commissioner Mourdock: The only question I have is if Kevin got a chance to look at these? I know last week we took them under advisement. Did you get to talk to Z.?

Jason Perry: I have a copy of the contract that we used with Old National Bank in 1998, and she has highlighted the areas of the contract that need revision. She wanted me to give you a copy of that this evening.

Kevin Winternheimer: I was going to say, I haven't reviewed the actual proposed contract yet.

Commissioner Mourdock: Okay. Well, I'll move that we go ahead and accept the Treasurer's recommendation of Old National. Obviously, we'll have to vote on the contract next week.

Kevin Winternheimer: Right.

President Fanello: Second, and so ordered.

**Open Bids for VC02-09-01: Replacement of Bridge No. 1532  
on Old Boonville Highway over Boesche Creek**

President Fanello: County Attorney, open bids for VC02-09-01, replacement of bridge number 1532 on Old Boonville Highway.

Kevin Winternheimer: Yes, I have one bid. Any other bids from the audience? Seeing none. The one and only bid that I have is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. The total bid amount appears to be \$105,486. That's the only bid I have.

Commissioner Mourdock: I'll move we take the bid under advisement.

President Fanello: Second, and so ordered.

**Permission to Advertise Vacation of Right-of-Way:  
2908 N. Grove St.- Lots 73 & 94**

President Fanello: Auditor, permission to advertise vacation of right-of-way.

Commissioner Mourdock: We have in our package a pretty standard request for the vacation, and, again, Kevin, have you had a chance to look at this one?

Kevin Winternheimer: I have not. I have not seen that one. I've been given it. It's here on my desk, but I haven't reviewed it yet.

Commissioner Mourdock: Okay. Well, I'll go ahead and move—

Kevin Winternheimer: I think so.

Commissioner Mourdock: —the advertisement, and then, obviously, you'll look at it.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: I think the advertisement date is September 27<sup>th</sup>? Is that right?

Madelyn Grayson: Yes, the advertisement date will be September 27<sup>th</sup>.

Commissioner Mourdock: Okay.

Madelyn Grayson: Then the first hearing is scheduled for October 14<sup>th</sup>, and the week after will be the final reading.

Commissioner Mourdock: Okay.

President Fanello: Second, and so ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time?

Gary May: Good afternoon. My name is Gary May. I'm a resident of Warrick County, but I'm also the local coordinator for a project called, Count Us In, which is an initiative funded by the Governor's Planning Council for people with disabilities. Count Us In was formed after the 2000 general election for the purpose of increasing participation, and increasing responsiveness of the voting process for people with disabilities. We've been meeting locally, and during the May primary, we surveyed several of the voting sites here in Vanderburgh County, and found, at least a few of them to be wanting. I would add that we only surveyed nine or so precincts, but we found some that were totally inaccessible to people with mobility problems. We found others where the poll workers didn't seem to be fully aware of the rights of voters with disabilities, as they pertain to having personal attendants assist them, register their votes, etcetera. None of the precincts that we visited had fully accessible voting mechanisms, or voting machines. People with visual impairments still in Vanderburgh County are unable to register an anonymous, confidential ballot. They always have to have somebody to assist them. We've also heard from many of our members and informants that transportation is a major issue. People can't get to polling places. If they get to polling, or think they can get to polling places, they are surprised sometimes to learn that the polling place has been changed. So, what we would like for the Commissioners to do is to ensure that the election coming up, in about, what, five or six weeks, is more accessible, and more compliant with federal law, and state statutes, in terms of being

accessible to voters with disabilities. We feel that failure to act on this request is the continued institutionalized, disenfranchisement of people with disabilities, who are citizens, and entitled to the same rights and privileges, and willingly accept the same responsibilities as all other citizens of this community. You are aware, I'm sure, that there's a national effort underway, as well, to make polling places more accessible and more accommodating for voters with disabilities. We feel that the time has come, and, in fact, the time has passed, for Vanderburgh County to be more responsive to addressing the needs of all of it's citizens, including citizens with disabilities. So, we need to know where we need to go to vote. We need to know what determines what sort of decisions, or what determines the decisions that get made about polling places. We need better transportation to get there. We need poll workers who are adequately trained and understand the law, and understand common courtesies that apply to voters who come to register their preference, and we think that the time for this to happen is past due. I have questions, speaking of our transportation problem, from one of our very active members who wasn't able to make it this evening because she has been denied services on METS, because of the size of her wheelchair. So, that sort of underscores one of the problems that we face continuously in this community. Thank you.

President Fanello: Just to give you a little information, we did, or the Board of Commissioners did, in the primary, or before the primary started, seek to check as many polling places as possible for accessibility. We did go ahead and designate the Civic Center as the main location that anyone can come to and vote who may have an accessibility issue.

Gary May: Yes, I'm aware of that, but our preference is to vote where we live, just like every other citizen is able to do.

Commissioner Mourdock: That step of declaring the Civic Center as one place for folks to come isn't in lieu of making—

President Fanello: Right.

Commissioner Mourdock: —the normal polling places accessible. It is just, we, as Catherine said, we started through the process. We too reviewed all of, all 147 precincts to see if they were ADA compliant. A few of them were not. I think, was it nine? I think we ended up with nine of them that weren't, and we had no way of converting them over, converting polling places without causing mass confusion between the primary and the general, but, certainly, that's the plan for '93, or '93, 2003 to make sure we get all of them.

Gary May: Should we expect that everyone will go to the same place to vote in the general election as they went in the primary election then?

President Fanello: Are we changing any polling places?

Gary May: Right.

President Fanello: No, we're not.

Commissioner Mourdock: Yeah.

President Fanello: Yeah, we can't change any polling places from the primary.

Gary May: Okay, we're past that time. Our group is ready to assist. We would gladly assist in whatever way is feasible to review sites, and we have a checklist that, it's a national checklist that's available for people who are interested in access to polling places. We would be very happy to help you make the sites more accessible and user friendly.

Commissioner Mourdock: I do have a question for you, Gary. I know you've worked on this issue for some time, and, as always, you are very well spoken in presenting it. For those folks who have disabilities, as you described them, those who cannot see who would otherwise lose the privacy of their ballot, nationally, is there any consistent trend as to how that is being dealt with? I just cannot imagine in this county, in every precinct, that one day we would have whatever the technology is at that precinct. Do most places have people waiting at a central location to deal with those?

Gary May: Well, I'll address the second part of that. I can't imagine a day when we won't have a fully accessible precinct polling places. As far as I know right now, for the upcoming general election, Washington, D.C. is going to be fully accessible, including touch screen, and voice feedback voting machines for citizens of that district that also have visual impairments. They also have machines that are accessible for people who have severe tactile, or mobility restrictions, who are, essentially, 100% paralyzed.

Commissioner Mourdock: It's your understanding in every single precinct they've provided that?

Gary May: That's what the latest e-mail that I have gotten says about the district.

Commissioner Mourdock: Yeah, I mean—

Gary May: It's, I think, in some measure holding itself out as the model for other jurisdictions in the country, since that is the nation's capital, that they are attempting to lead the way, and show how this can be done.

Commissioner Mourdock: Uh-huh.

Gary May: There are many areas where improvement needs to happen.

Commissioner Mourdock: Please don't misinterpret what I said. I was not suggesting in any way that we should not have accessible polling places. I'm just saying I'm not sure that I see the day where they are accessible for every disability. I mean, I hope that—

Gary May: And my question to you, sir, would be why not? Are we going to declare certain citizens with certain disabilities to be non-citizens? Because, essentially, I think, that is what that would involve. Because it's presented to all of us in our early elementary years forward as a basic, civil responsibility that we have, to vote. If our ability to vote is compromised because of those barriers that I've mentioned, then I think that tarnishes our citizenship, and it sure as heck interferes with our willingness, and our ability to exercise that fundamental privilege that attendant to citizenship.

Commissioner Mourdock: Well, I will watch with interest, as I'm sure everyone will. If this is you say the first time that D.C. is apparently going to the full execution of this?

Gary May: Yes.

Commissioner Mourdock: Well, it will be interesting to see how that technology works. It would be a wonderful thing if it can be done in a cost effective way, so that every polling place in the country can get to that point.

President Fanello: Well, I would like to see, if it's possible, you possibly work with Tammy McKinney, who is our Superintendent of Buildings, and she is the one in charge of checking out all of our polling places, and making sure everything is in order before election day. So, if there is something you can do to work with her, and get the information to her about polling places that you have specific concerns about, I would like for you to do that. Then, I think, go ahead. I'm sorry. I think, you know, this is an issue that, you know, as we move to, possibly, buy new voting equipment in the next year or so, if that happens, that the Council needs to be made aware of. Those are issues that we need to look at when we purchase new voting equipment. On the issue of transportation, I hope to have an announcement in the next couple of weeks. Working with a local organization to assist with transportation on election day. So, I hope to have an announcement about that in the next couple of weeks.

Gary May: Okay. Well, thank you.

Commissioner Mourdock: Sure. I was just going to add one thing to it. In addition to working with Tammy prior to the election day, I would be more than happy to receive any kind of report card you would care to give Vanderburgh County from election day.

President Fanello: Right.

Commissioner Mourdock: If you would want to come in the Monday after the election, and have any good news for us, or bad news, where we can do better—

Gary May: Yeah, I think, at a minimum, we're going to make an organized effort, and I can't say that we'll come to every polling place, but we're going to make an organized effort to assess the polling places, as we were able to do on a limited basis during the primary. One final note, if you would indulge me, as you think about this, I would encourage you to delink access and cost. Because people with disabilities have always been victimized by the linkage of making accommodations and cost. When public transit was first becoming accessible, for example, critics were saying, well, if we look at ridership over the past year, we calculate that the cost of a ride in an equipped, wheelchair equipped bus, it's going to be about 600 and so dollars a trip. Well, that's true, in part, because before the busses are accessible, few people are using them. So, if you take that as the baseline, and then divide those number of trips into the number of dollars you spend on accessible busses, people with disabilities are, of course, going to come out costing a helluva lot of money, but there's a benefit, and one of the fundamental benefits for us is the benefit of citizenship, and the basic exercise of that citizenship through the voting process.

Commissioner Mourdock: Yeah, and I apologize if my comment regarding cost seemed rather crass, but I have to tell you that, and Catherine's heard this before, I am still fried that the state of Indiana has told Vanderburgh County, basically, that we must spend about a million dollars just to change our voting machines. I would much rather have the local control here, that this board here, working with Council, can decide on what machines we want, when we want them, so that we can deal with the kind of issue you've just laid before us, than to deal with, what I'll define as faults issues, which the state dealt with in just giving us an unfunded mandate. So, I'm hyper-sensitive to money issues.

President Fanello: I would just say that I think this would be, would appreciate if you could also talk to the County Council, because they are the funding body, and we have to work jointly on this issue of buying new election equipment. So, I think it would be helpful for them to hear some of your concerns as well. If you could do that.

Gary May: Thank you, again, for your time.

President Fanello: Thank you.

Commissioner Mourdock: Thank you.

President Fanello: If you would, if you will leave your name with Tammy McKinney, and she can let you know how to get in touch with her as well. Thank you. Is there anyone else in the audience wishing to address the board at this time? Seeing none.

**Old Business/New Business**

President Fanello: Any Old Business? New Business? Okay. Department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First I would like to request that the time, completion date for the Heppler Road Bridge Project be extended till October 11, 2002. It had been previously extended till this Friday, but with the rainfall that we've received, that job has been flooded out a couple of times, as of late. So, the contractor has requested that be extended again. It's requested that be approved.

Commissioner Mourdock: So moved.

President Fanello: Second, and so ordered.

John Stoll: The other thing I had was just a brief update on Rodenberg. Valerie Harry met with the other property owner, the Ballards, and they are in the process of reworking, refinancing their mortgage, and they said they will not do anything until that's all closed. They said that will be, at least, another month. So, I won't have anymore information on that until probably some time early October, I mean, late October. That's all I have, unless you have any questions on anything.

Commissioner Mourdock: Nope.

President Fanello: I don't have anything. Thank you, John.

**County Highway**

President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all, I have some bid packages that I would like to submit to you. We got three bids from various vendors. On the front page I tried to explain how we approached the specifications for this equipment. There were several vendors that stated that they couldn't match the same items we want, and we want to try to keep it uniform, so that we don't have to buy so many different parts. So, the bids that you see is not necessarily to the specifications that we requested. But, to be fair to everyone, they said it would do the job, but we want something that will last, because a lot of times we have something out there and we're always repairing it. So, I made recommendations on the equipment, of which one's we felt met our specifications to the best. Also, the, you asked me several meetings ago to compare buying new dump beds versus repairing the old ones. I got bids on both of them, and I averaged those bids to keep it uniform, and repairing the dump beds would be \$1,024 cheaper than buying the new ones. However, the vendors also stated on these, if they find something wrong once they get the beds off, that it will incur more cost as we go along. So, the bids are so close, instead of repairing them, I'm going to recommend that we buy the new beds.

President Fanello: Would you mind if we just took until the next meeting to look at these?

Dennis Hudnall: Sure. Yeah.

President Fanello: Is that okay?

Dennis Hudnall: That's fine. Sure. Okay, go ahead.

Kevin Winternheimer: Before you, it might be helpful, and it might not, if he maybe did somewhere, and I haven't looked through all those, just outline why a particular low bidder wasn't one that he would select. What was wrong with the equipment? Or what didn't, you know—

Dennis Hudnall: Okay. That's fine.

Kevin Winternheimer: —and just submit it to them to help them in their analysis. I think that might be helpful.

Commissioner Mourdock: Yeah, and I was just going through my file here, because looking at one of these, I think we've got a situation in the past where they were low bidder and didn't get the work, and didn't get it, and I know we'll hear all over again—

President Fanello: Uh-huh.

Commissioner Mourdock: –on that issue.

Dennis Hudnall: That's why we approached it with specifications of what we need. Like, some of them submitted the bids that it only had a 12' spreader, when we've got a capacity for 14' on the new trucks. So, I would rather have 9.2 cubic feet, rather than 7.5. That's the type, the capacity type questions. We did do a comparison, and I have those here on the different kinds of equipment. The ones that I've checked has come out much better. I think it's going to do the job a lot better for us. So, the selection wasn't made by cost. It was made by what do we need, and how best to do the job.

Commissioner Mourdock: Okay. Well, as you sit down to compile that, I just checked my date, it was March 25<sup>th</sup> of this year that this issue came up once before with one of these vendors–

Dennis Hudnall: Uh-huh.

Commissioner Mourdock: –so, you might run that by the folks out at the garage–

Dennis Hudnall: Okay.

Commissioner Mourdock: –and talk to them about everything that was involved then.

Dennis Hudnall: I'll be glad to put the specification package together to support what I've just told you about getting good equipment versus something that we can, it will last us for awhile, but we want it to last for a long time. We got new trucks, so.

President Fanello: Alright.

Dennis Hudnall: Okay, you have my report. If there are any questions. The pie, excuse me, the pie chart will close up next week. I called John, and he said the contract paving is completed, so.

President Fanello: Alright. Anything else? Alright. Thanks, Dennis.

Dennis Hudnall: Okay, thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winterheimer: I have no report, but I would mention that we did conduct, Phil Lawrence and I, an in-house seminar on the new purchasing policy. It was well attended, and there were many questions, but it seemed to be well received, and I'm sure there will be other questions on the intricacies of it as we proceed, but I think it went very well.

President Fanello: Okay. Good job.

Unidentified: (Inaudible. Mike not on.)

Kevin Winternheimer: Not that I know of. She was asking whether we needed an Executive Session. As of this date, I don't know of anything.

President Fanello: Well, actually, I do know of one thing.

Kevin Winternheimer: Okay.

Commissioner Mourdock: Yeah.

President Fanello: So, we probably need to go ahead—

Commissioner Mourdock: Half hour?

President Fanello: Yeah, I think a half hour would be sufficient.

Commissioner Mourdock: I would move then that we schedule an Executive Session for 5:00 on Monday, September 30<sup>th</sup>.

President Fanello: Second, and so ordered.

Kevin Winternheimer: The only other thing that I would have for you to move on, is just a thought, and that thought is to prevent instances where our regular meetings get over real quickly, and our zoning meetings don't start until later, that possibly we look into having zoning meetings as part of our regular meeting, and everybody just be notified to be here at 5:30. That's how City Council does it. They don't have two separate meetings that same night. I know what was it, last month, or the month before, our regular meeting ended quite early, and we would have been here an hour or more just with everybody waiting in the audience. It's just something to think about for next year. I'm not proposing to do this before the end of the year, but later in the year we can take up the issue, and you can think about how to do it for next year. Because the notices would have to be changed slightly. So, it's just something to keep in mind.

Commissioner Mourdock: Respectfully, I'll not keep it in mind, but those of you who will be here (Inaudible. Talking over each other.)

President Fanello: I'll keep it in mind, and I agree. We can do that. Thank you.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: The only thing I have is a late travel request to add to the Consent Items.

Commissioner Mourdock: I'll move approval, or addition of that travel request to Consents.

President Fanello: Second, and so ordered.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The one thing, I guess, if I'm not on it, I need to be on the Executive Session for next Monday.

President Fanello: Okay.

Steve Craig: About family leave. Other than that—

Kevin Winternheimer: Personnel issue, I think.

Steve Craig: Personnel issue.

Kevin Winternheimer: Personnel issue, I believe.

Steve Craig: Yes.

Kevin Winternheimer: Okay.

Steve Craig: Other than that, I have my reports.

Commissioner Mourdock: Okay.

Steve Craig: The fire ban, or the open burn was lifted?

Commissioner Mourdock: Right. By not acting tonight, it is in effect lifted.

President Fanello: Yes.

**SWCD & Ozone Officer Reports**

Commissioner Mourdock: I would move then that the Soil and Water Conservation District and the Ozone Officer's Reports be added to the record.

President Fanello: Second, and so ordered.

**Consent Items**

Commissioner Mourdock: With the one addition, I would move approval of the Consent Items.

President Fanello: Second, and so ordered.

Commissioner Mourdock: Motion to adjourn.

President Fanello: Okay.

Eric Williams: I would just add, so you know, that we were at 329 at 5:00 today.

President Fanello: 329 at 5:00 today.

Commissioner Mourdock: Good number. Okay.

President Fanello: Stay there.

Eric Williams: I was hoping that we would make it for an hour.

The meeting was adjourned at 5:54 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department	Perry Assessor	County Assessor
Treasurer	Commissioners	

**Employment Changes:**

County Clerk	Health Department	Coroner
County Council	Prosecutor	Sheriff Department
Center Assessor	Burdette Park	

**Requests for Service:**

Sheriff Department	Superior Court
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**Sheriff:** Weekly Jail and Community Corrections Reports.

**The Centre:** Declaration of Surplus Equipment.

**Area Plan:** Community Rating System Annual Recertification.

**Health Department:** Commitment with Abbot Laboratories.

**Those in Attendance:**

Catherine Fanello	Richard E. Mourdock	Kevin Winterheimer
Suzanne Crouch	Tammy McKinney	Madelyn Grayson
Phil Lawrence	Jason Perry	Gary May
John Stoll	Dennis Hudnall	Steve Craig
Eric Williams	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**Richard E. Mourdock, Member**  
Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 30, 2002**

The Vanderburgh County Board of Commissioners met in session this 30<sup>th</sup> day of September, 2002 at 5:36 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Suzanne Crouch, County Auditor; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of Minutes  
September 23, 2002 Commission Minutes  
September 30, 2002 Executive Session Summary Minutes**

President Fanello: Do I have approval of the minutes?

Commissioner Mourdock: I'll move approval of the minutes of September 23<sup>rd</sup>?

Commissioner Mosby: I wasn't here.

President Fanello: Oh, that's right. Second, and so ordered.

Commissioner Mourdock: And I'll move approval of summary minutes from tonight's Executive Session. It began at 5:00, ended at 5:30, with the three Commissioners, the County Auditor, and the County Attorney. The subjects for discussion were the purchase of real estate and county personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Advertise VC36-2002:  
Family and Children Transportation**

President Fanello: Permission to advertise VC36-2002, Family and Children Transportation.

Tammy McKinney: Phil Lawrence, he had a family emergency. So, I told him I would ask permission for him to advertise this.

President Fanello: Okay.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Open RFP's for Construction Inspection Services for  
First Phase of the University Parkway Project**

President Fanello: Next item, open RFP's for construction inspection service for the first phase of University Parkway Project.

Kevin Winternheimer: Any bids from the audience? Seeing none. I was going to ask John, I don't see him. Well, is there a price in here? Or is it just...John's not here is he? I was going to say, I don't know if I'm looking for a price, or just qualifications. I'll just read the outside packet, it's just qualifications. Okay, the first packet is from Bernardin Lochmueller and Associates, Inc. of Evansville. Let me see if there's a price in here.

Madelyn Grayson: Kevin, the County Engineer said you just need to read the names of who-

Kevin Winternheimer: Okay. I assume it's qualifications then that we're looking for. Bernardin Lochumeller, we got it. That was the first one. The, let me see, the next one is from Sieco, S-i-e-c-o, a division of Strand Associates, Inc. Their return address is Columbus, Indiana. The next one is from Corradino, and from Evansville, the Corradino Group. The next proposal is from USI Consultants, Inc., and their address is Indianapolis, Indiana. The next proposal is from American Consulting, Inc., and their address is also Indianapolis. I'm looking for a tear off. The next proposal is from Beam Longest and Neff, LLC, and their address is Indianapolis also. We have one more.

Commissioner Mosby: Does that say pull here?

Kevin Winternheimer: Yeah, that's what I'm looking for. Oh, okay. Thanks. Daggone tape. I knew that was going to happen. The last one is from R.W. Armstrong and Associates, Inc. Their address is Indianapolis. That's all I have.

Commissioner Mourdock: I'll move that the County Attorney meet with the County Engineer to take those proposals under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Proclamation of Domestic Violence Awareness Month**

President Fanello: Under other items, excuse me, next item is Rebecca Gootee, Domestic Violence Awareness Month. In your packets I do have a proclamation that I would like to read, and then if Rebecca has anything that she would like to say, would welcome it. As soon as I can find it. Thank you.

Whereas, violence against women and children continues to become a more prevalent social problem; and whereas, the problems of domestic violence are not confined to any groups of people, but cross

all economic, racial, and societal barriers and are supported by societal indifference; and whereas, the crime of domestic violence violates an individual's privacy, dignity, security and humanity through the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and whereas, the impact of domestic violence is wide-ranging, directly affecting women and their children and society as a whole; and whereas, it is battered women themselves who have been at the forefront of efforts to bring peace and equity to the home; and whereas, it is fitting to set aside a special time to bring this issue to the attention of all Vanderburgh County residents so they can become better informed and involved in programs to eliminate this epidemic from our society; and whereas, the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout the country to observe Domestic Violence Awareness Month; NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, does hereby proclaim the month of October 2002 to be Domestic Violence Awareness Month.

Commissioner Mourdock: I will—

Rebecca Gootee: (Inaudible. Mike not on.) I just want to thank you, Catherine, for bringing this proclamation (Inaudible) important as also serving as the President on the Commission on Domestic Violence, it is very important to tell our city as a whole (Inaudible). Today we had, and you joined us for a wonderful workshop that had all of the different (Inaudible) in the domestic violence field throughout the city, and there were 103 people there—

President Fanello: Yes, very good attendance. Very good. Yes.

Rebecca Gootee: I'm not on? Now, I'm really on. Okay. I just want to thank everybody here, Evansville as a whole, and remind everybody that you need to wear your little purple ribbons. (Inaudible) purple ribbon. Thank you.

President Fanello: Thank you, Rebecca.

Commissioner Mourdock: I'll move adoption of the resolution as read into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time? Seeing none.

**Old Business**

President Fanello: Old Business. Any of the Commissioners have Old Business? I've got a couple of things. First thing, back in April we sent Jim Cameron a letter about our existing contract between the Water and Sewer Board concerning GIS, and we never have received any kind of comments back from them, and the contract has

expired. We had talked and sent them a letter about possibly getting some more firm language in that contract. So, this is, basically, just a reminder letter that we need to move on the contract, and we would like for them to let us know what changes we can make to the contract to make it acceptable. I'll give you a copy of the letter.

Commissioner Mourdock: Oh, okay. I don't have a copy.

President Fanello: Sorry. If it's okay, I would like the board's approval.

Commissioner Mosby: I'll make—

Commissioner Mourdock: I'll move approval.

Commissioner Mosby: Second.

President Fanello: So ordered. Next item, I spoke with a financial advisor this morning, trying to understand what's happening with the TIF districts throughout the tax reform, which is very, very confusing. Extremely confusing.

Commissioner Mourdock: And you're a CPA.

President Fanello: Yes. I think this tax reform was even a little too confusing for me, but, anyway trying to, because I'm working on the calculations to come up with what we can do to pay off the TIF bonds early that are outstanding on Burkhardt Road. I know the Council has asked us to use that surplus money to pay for the Lynch Road extension, but I want to look at paying off our debt early. I, we talked about the school rate before, and we had a question about that, and I'm not sure if we all understood exactly what was happening. Just to recap, and Suzanne is going to have to look up some information for us, but, basically, as I understand it, the new law says that the state will send the county 60% of the school's General Fund rate, but that 60% does not go into the TIF district. So, the TIF district revenues are going to be lower then. So, what, I guess, what we need to find out from you is what that calculation is. How much revenue we are going to lose.

Suzanne Crouch: Well, and I did speak to Michael Osborne, I'm going to say probably a couple of months ago, regarding that whole issue. He had indicated that the City Redevelopment Commission and the County Redevelopment Commission would be working with financial advisors to try to determine that rate. That they would do that for county and for city districts.

President Fanello: Okay. Well, I mean, we haven't been approached by that, and we would have to hire somebody to do that, and we don't have the funds to hire anybody to do that, at this point. Is that not, I guess, that's not a calculation that your office can make?

Suzanne Crouch: No. In fact, I asked Gary Malone at Umbaugh if that was something that the Auditor's office could do, and he said, no. In fact, they didn't even have from the Tax Commissioners, the Department of Local Government Finance, hadn't even figured out, at this point in time, what calculations to do. In fact, I believe that by July that information was to be given to the state, but they have extended that deadline because they haven't even factored in the formulas. I will stay on top of that—

President Fanello: Okay.

Suzanne Crouch: –and get back to you.

President Fanello: Because he said something about if, you know, we could act to do something, you know, the state would automatically levy a tax to make up that difference. I don't know that we want them to automatically levy a tax, if we really don't need the tax. Or, I mean, I think we would want to look at the effects of that. So, I would want to keep on top of those dates to make sure that we have some kind of say so in that.

Commissioner Mourdock: Does automatically levy, did that imply to you they would automatically levy a tax specific within that district?

President Fanello: That's the implication that I'm getting.

Suzanne Crouch: I believe if you don't, the role the Redevelopment Commission would play with the city and the county is that to try to figure out that amount, because you want to ensure that if the state does levy the difference, that it is enough, if it's necessary.

President Fanello: Okay.

Suzanne Crouch: But, I will be happy to follow up on that.

President Fanello: And the other....and I, when going back to your, just in that district, it was also said that the tax could be levied county-wide to make up the difference also. So–

Commissioner Mosby: I was going to say, I think it is–

President Fanello: Yeah, that was the comment made to me on the phone was that we could actually levy a county-wide tax to make up the amount lost. Or may have to levy a county-wide tax to make up the amount lost. I'm–

Commissioner Mosby: I was going to say, well, she had that information, but is it a county-wide tax? Or a district?

Suzanne Crouch: You know, David, without having that before me, I would have to review that. I believe that is correct though. I would like to check on that.

Commissioner Mosby: I don't see how it could be a district.

President Fanello: Yeah.

Commissioner Mosby: Because if you're going to raise the taxes, you're going to have to levy it county-wide to raise it. The district's not paying any tax. What they're paying is going into the TIF.

President Fanello: Right.

Commissioner Mourdock: Yeah. That's the key point to me, if they were defining it as strictly within the district, it seems to me they've given with one hand, and taken away with the other.

President Fanello: Uh-huh.

Commissioner Mourdock: Government in a whole has, because that was our whole purpose of setting up the district.

Commissioner Mosby: So, do you know what we're losing as far....do you have any numbers whatsoever?

Suzanne Crouch: Not at this point, but I'll follow up. Because of the information that was given to me is that the State Department of Local Government Finance hadn't even figured in the formula that would allow the calculation of that. But, I will follow up on that for you.

President Fanello: I'm going to go ahead and figure our calculations on the revenue I know we have now, but, obviously, I'm going to have to have those figures before we can make a final decision on whether to spend any surplus money out of the TIF, because I'm just very adamant about paying those bonds off early. So, saving ten years worth of interest. Any other questions? Okay.

**New Business**

President Fanello: New Business. Any New Business?

Commissioner Mosby: Probably one thing, I will, Kevin, I think you've got that purchase agreement from CSX.

Kevin Winterheimer: Yeah, they sent me a draft.

Commissioner Mosby: Okay. I had conversation with them today again on the phone. We will probably need to bring that purchase agreement to the Commission to be signed next week so that as soon as the farmer brings in his crops, then we can get in the fields, and we'll have to have that purchase agreement for right-of-entry to the property. So, after talking with them, we probably need to get that signed, and get it back to them, so that we can have right-of-entry out there to do our environmentals and that.

Kevin Winterheimer: Okay. I'll call him too. I assume he has no problem, because he said he hadn't before. It would be subject to environmentals, title work, and all the other things, but, yeah, I mean, it was, basically, a format, as long as we have the right to—

Commissioner Mosby: Right.

Kevin Winterheimer: —back out of it if we're not satisfied with any of those contingencies. I don't have any problem with it.

Commissioner Mourdock: If you have a draft, and I think you said you have a draft of it.

Kevin Winterheimer: I have a draft, but he didn't have those in there, but I'll talk to him—

Commissioner Mourdock: Okay.

Kevin Winternheimer: –and see if I can't fill those in for him.

Commissioner Mourdock: Yeah.

Commissioner Mosby: Okay. I just talked to him this morning.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: Yeah, if you can circulate them before Monday night that would be good.

Kevin Winternheimer: Okay. Sure.

President Fanello: Any other New Business? Alright. Seeing none. We'll move on to department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First I've got an agreement with Clark Dietz, Incorporated for an amount of \$47,000 for the storm water regulations that are being passed by IDEM. This will, basically, cover us for part "A" of those regulations, which, basically, gets us an initial storm water quality management plan, and also it gets us to the Notice of Intent that would be filed with IDEM. Those are the first two tasks that we'll be stuck with. We will have additional agreements later on part "B", which is the stream characterization, as far as any pollutants that are out there right now. Then part "C", which is the six best management practices on things like construction, run off, and I forget all six of them, right off the top of my head, but, anyway, that will be the expensive one later is part "C". But, anyway, this covers part "A", it will get us, at least, filed through the Notice of Intent letters with IDEM. That was originally due by next March, but now I'm hearing it might be next June, because the census hasn't finished up the maps on the defining the new urban area boundaries. Hopefully, they will take their time, delay it further.

President Fanello: I think Kevin has reviewed these agreements?

John Stoll: Yes.

President Fanello: Okay.

Commissioner Mourdock: I'll move approval of the documents with Clark Dietz.

Commissioner Mosby: Second.

President Fanello: So ordered. And this is coming out of the Drainage, Riverboat Drainage Account, right?

John Stoll: Yes.

President Fanello: Okay.

John Stoll: Next I've got agreements with American Consulting Engineers for the study of Carpentier Creek. This is for \$190,000. This basically covers the scope of work that I handed out to each of you a few weeks ago. I've had Kevin review this document as well, and he is okay with, we had a few changes to make, but, now he's okay with it.

Commissioner Mourdock: Is there any possible overlap, John, between what we just talked about with Clark Dietz and this?

John Stoll: Yes. It's either put it in one agreement or the other, is what it amounts to for portions of it. Because we left the stream characterization out of the Carpentier Creek study, because we don't know what the final regulations from IDEM are going to be as of yet. Realistically, yes, you could go ahead and do a stream characterization study through the American agreement, and not put it in Clark Dietz's at a later date.

Commissioner Mourdock: But, okay, so, you're saying there was potential overlap there, but the way the two documents are constructed, you've avoided paying twice for the same thing?

John Stoll: Right.

President Fanello: Yeah, I think we talked about that on the phone the other day, didn't we?

John Stoll: Right, we were going with the stream—

Commissioner Mourdock: Very good.

John Stoll: —characterization analysis in this, but since we don't really know what the final regulations are going to say, we just left it out of it.

Commissioner Mourdock: Uh-huh.

John Stoll: They'll touch on the Rule 13 requirements, but they're not going to do a detailed study like Clark Dietz. Speaking with Clark Dietz, they said any input that they got from American, in regard to this study, they would just incorporate it into whatever studies they do at a later date.

Commissioner Mourdock: Okay. Well, I'll—

Commissioner Mosby: I'll move that we accept the American Consulting.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have a street acceptance request for Sections Two, Three and Four of Stonecrest Subdivision. This is a grand total of .67 miles of new streets, and it consists of .11 miles of Stonecrest Drive; .08 miles of Silverton Court; .17 miles of Kenai Drive; .14 miles of Cold Water Drive; .08 miles of Wolf Bay Drive; and .09 miles of Lost Creek Drive. It's requested these be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request that contract number VC02-09-01, Bridge 1532 on Old Boonville Highway be awarded to Deig Brothers for the amount of \$105,486. They were the only bidder on that project.

Commissioner Mourdock: The only one.

President Fanello: That makes it easy.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Can you say, at this point, since they were the only bidder, I mean, was that pretty close to our estimate? Or—

John Stoll: Yes and no. They had one item in there that has some drilled piles that are in each abutment. I've talked to the designer, we're going to delete the drilled piles and go with more driven piling, which brings it back down to where it should be.

Commissioner Mourdock: Okay.

John Stoll: Next I would like to request approval for the street plans for Greenhill Subdivision. This is going to be located on Greenriver Road, a little bit south of Kansas Road. The streets will be asphalt streets with curb and gutter. I've reviewed the plans, and would request that they be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval for a supplemental agreement for Morley and Associates for the Mt. Pleasant Road Project. This is to locate a septic system, and revise, not revise, restake temporary and permanent right-of-way locations at 616 East Mt. Pleasant Road. This property is owned by Susan Smith. During the right-of-way buying it became apparent that the septic system could be in the take area, and if so, then the appraisals will need to be modified accordingly. Morley's fee for this evaluation is \$700. It's requested this be approved.

Commissioner Mourdock: We don't know yet if the septics affected?

John Stoll: Initially, they did not think it was, and now, they believe it is. Kind of what we've run into in University Parkway, where the buyer gets out there, that's when it gets brought to our attention.

Commissioner Mourdock: Okay. I'll move approval of the request with Morley.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The last thing I've got is also on Mt. Pleasant Road. On parcel 28, owned by Dockery, they have requested a \$200 increase, for a grand total of \$1,200 for their offer. Then on parcel 24, Barnett, they have requested an additional \$188 for a total of \$1,838. Then on parcel 19, and 19A, they have requested an additional \$500 for a total of \$3,135. It's requested that these increases be approved, so we can go ahead and finalize these. The property owners have gone ahead and signed off on the deed documents, contingent on these changes being made. So, even though I don't have a written counter offer from them, they did indicate through signing the deeds that they will accept, they will sign off on it, subject to us accepting their counter proposals.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: This is just for the record. That's just the letter that (Inaudible) with that. That's all I have, unless you have any questions on anything.

Commissioner Mourdock: Have you spoke to Bill Jeffers? You were not at the Drainage Board meeting last Monday, I don't believe.

John Stoll: No.

Commissioner Mourdock: Talk to him about the house, where was that Catherine? I can't remember the fella's name. Was it Jordan, I think?

Madelyn Grayson: Oscar Jordan.

Commissioner Mourdock: Oscar Jordan. About Oscar Jordan's house, and the drainage issue out there, potential drainage issue. Interesting geo-technical one you'll have fun with.

John Stoll: Okay, I'll give him a call.

President Fanello: Thanks, John.

John Stoll: Thanks.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First I have, I submitted at the last meeting an analysis of some equipment quotes that I'd like to purchase for snow removal. I would like to know if you've reviewed those.

President Fanello: Did you get, you didn't get a copy of them did you?

Commissioner Mosby: No, but I've talked with Dennis.

President Fanello: You weren't here last...you've talked with him. The only question I had, and I didn't have a chance to call you earlier was, I think, on one, how you had the transfer written, or something. If we could just sit down and look at your budget once more. I don't have any problem with your request.

Dennis Hudnall: Okay.

President Fanello: I just want to make sure that we've got the transfers right.

Dennis Hudnall: I've done an analysis of the different pieces of equipment, and if anyone would like to see those, I have them with me tonight.

President Fanello: Go ahead and pass them out. Thank you.

Dennis Hudnall: What we did on the analysis, we put them side by side, and seen what kind of equipment do we want. We set the specifications, and this comparison right here will justify some of the cost. Not picking the lowest bidder, particularly, but, picking to specifications.

President Fanello: Anybody have any questions?

Dennis Hudnall: Questions?

Kevin Winterheimer: What was the price on that?

Dennis Hudnall: On?

Kevin Winterheimer: Of the one you want to buy?

Dennis Hudnall: Well, I have several pieces of equipment on there.

Kevin Winterheimer: Oh, okay.

Dennis Hudnall: This was, let me explain. We purchased some Freightliner trucks, and we received those, but we need to outfit them with plows, spreaders, and tarps. This is for snow removal. So, we're getting close to the season, and I would like to get those trucks outfitted before the snow flies. Also a question was asked would it be feasible to purchase new beds, or to recondition the old beds of the dump trucks. We also have some cost analysis on that. If anyone would like another copy of that, I would be glad to get it to them.

Commissioner Mosby: What did you want the price of here? Do you have the prices with you? The price of the Monroe versus the Good Roads, the spreader.

Dennis Hudnall: I have one copy with me.

Commissioner Mosby: Oh, spreader, spreader, spreader.

Dennis Hudnall: I highlighted here. (Inaudible) Monroe and these other two are the (Inaudible). The difference is a couple hundred dollars on each one of them. They are not very far apart.

Commissioner Mourdock: So, you're recommending the Monroe spreader, and the Monroe plow?

Dennis Hudnall: Yes, sir.

President Fanello: Any other questions.

Commissioner Mosby: I don't have any.

Commissioner Mourdock: No.

President Fanello: Okay.

Commissioner Mourdock: So, where we're going with this, is you're going to get with Catherine, and you're going to check to see to make sure we're processing it correctly—

President Fanello: Make sure we've got the money in place.

Commissioner Mourdock: —and then we'll deal with—

President Fanello: I mean, we can go ahead and approve it pending all the funding.

Commissioner Mosby: I'll make a motion to approve pending funding.

President Fanello: I mean, I think the funding is there. I just want to make sure we get it transferred in and out of the right accounts.

Commissioner Mourdock: Okay, just for the record, David, you're approving the Monroe spreader and the Monroe plow?

Commissioner Mosby: Right.

Commissioner Mourdock: Okay, I'll second.

President Fanello: So ordered.

Dennis Hudnall: Thank you. Okay. You received my report for this week. Is there any questions?

Commissioner Mosby: Yes. Now, do we still need to go ahead and make a motion on the beds? For the trucks that—

Dennis Hudnall: Yes.

Commissioner Mosby: —as opposed to—

Dennis Hudnall: It's included (Inaudible).

Commissioner Mosby: I mean, from my understanding from Dennis is that we're talking 100 bucks difference between trying to redo a bed, as opposed to a new one.

Dennis Hudnall: Here was what the analysis of this was. I asked the vendors to give me a price on repairing the beds. I had them come out to look at them. They gave me an analysis, and then what I did, I totaled those up, and averaged them out. Just to get me a price to compare with. The bids came, it was \$1,000 difference between buying a new bed, and relining the old beds. Then they qualified that by saying, if I take that bed off, and I find something else, it's going to add to the cost. So, now we're probably up even with reconditioning and buying new beds.

Commissioner Mourdock: And you have a warranty with a new bed.

Dennis Hudnall: You have a warranty with a new bed, and the rust doesn't take over real-

Commissioner Mourdock: Okay.

Commissioner Mosby: So, do we still need to make a motion on that? Because we held that that night.

Commissioner Mourdock: I think we probably do.

Commissioner Mosby: I'll make a motion that we go with the new beds.

Commissioner Mourdock: Okay, and I asked the question initially to make sure we were getting the best deal, and you've just convinced me we are. So, I appreciate it. So, I'll second.

President Fanello: So ordered. Are there any other questions? Thank you, Dennis.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: I just have a few quick matters. In case you are interested, I did receive some feedback on my changing our zoning to the regular meeting next year. I had feedback from one attorney who does quite a bit of zoning. Thought that was an excellent idea, and suggests, particularly he suggests that if you do it at the top of the meeting, because sometimes they are trying to do city rezonings and rezonings over here at the same time, and that can be a problem. So, if you did it closer to 5:30, rather than at the end of the meeting, that would really help them out. I just thought I would pass that along, for what it's worth. On the-

Commissioner Mosby: (Inaudible. Mike not on.)

Kevin Winternheimer: -on the, just a comment on the CSX matter. You will make the ICLU attorney very happy, he asks me about every other week whether we've got a signed contract yet. So, they will be very pleased of that. May, in fact, I would assume, along with some other developments that have happened, I'm guessing that he will probably sign off on the agreement, when we get that. Finally, I would request, if we could, next week have an Executive Session at 5:00. There are, that I know of, a couple of these condemnation cases where there are offers, counter offers, and the person handling that would like to bring them to you. So, that would be pending litigation. I don't know in my talks with the railroad there may be some things, strategy in respect to purchasing this real estate that we may want to do. It

seems like there are always personnel issues. So, if we could have an Executive, I think 5:00, a half hour would be plenty.

Commissioner Mourdock: I'll move the advertising of an Executive Session for next Monday, which would be the 7<sup>th</sup>? I think. Monday, October the 7<sup>th</sup> at 5:00 for the purposes of dealing with pending litigation and possible real estate acquisition.

President Fanello: Possible personnel.

Commissioner Mourdock: And possible personnel.

President Fanello: Would you want to second that?

Commissioner Mosby: I'll second it.

President Fanello: So ordered.

Kevin Winterheimer: That's all I have.

President Fanello: Thank you, Kevin.

#### **Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything to report.

President Fanello: Okay. That's what we like to hear.

#### **Burdette Park, SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have in our packets the Burdette report, the Soil and Water report, and the Ozone Officer's report, and I would move those be added to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### **Consent Items**

President Fanello: And if there is no other items, we just have Consent Items.

Commissioner Mourdock: No changes?

President Fanello: No changes that I'm aware of.

Commissioner Mourdock: I'll move approval of the Consents as filed.

Commissioner Mosby: Second.

President Fanello: So ordered. Do you want to make a motion to adjourn?

Commissioner Mosby: I'll make a motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:13 p.m.

**CONSENT ITEMS:**

**Travel Requests:** SWCD

**Employment Changes:**

Knight Assessor	Health Department	County Clerk
Center Assessor	Burdette Park	Circuit Court

**Requests for Service:**

Prosecutor	Computer Services
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**Auditor:**

Pass Through of Extension for WIC Grant.

Pass Through of Grant Application for Health Department.

Submit Certification of No Objection to Dept. of Local Gov't Finance  
for Cum Courthouse Fund.

**Perry Assessor:** Declaration of Surplus Equipment.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Treasurer:** Submit Monthly Report.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Rebecca Gootee	John Stoll
Dennis Hudnall	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 7, 2002**

The Vanderburgh County Board of Commissioners met in session this 7<sup>th</sup> day of October, 2002 at 5:41 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right Superintendent, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Chief Deputy Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of October 7, 2002 Executive Session Summary Minutes**

President Fanello: Do I have approval of the Executive Session minutes?

Commissioner Mourdock: I'll move approval of tonight's Executive Session that began at 5:00, ended at 5:30. The three Commissioners, Mr. Fluty, and the County Attorney were present. The issues dealt with involved purchase of real estate and threatened or pending litigation.

Commissioner Mosby: Second.

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

**Approval of October 3, 2002 Executive Session Summary Minutes**

President Fanello: Approval of September 30<sup>th</sup> Commission minutes.

Commissioner Mourdock: Before we do that, I'll also move approval of summary minutes of October 3<sup>rd</sup>'s Executive Session, which dealt with personnel issues.

Commissioner Mosby: Second.

President Fanello: So ordered. I forgot about that one.

**Approval of September 30, 2002 Commission Minutes**

Commissioner Mourdock: Then I'll move approval of the September 30<sup>th</sup> Commission minutes.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Advertise Vacation of Drainage Easement:  
4936 Lakeside Court**

President Fanello: Auditor, permission to advertise vacation of drainage easement. Do we have anything?

Commissioner Mosby: I'll make a motion we advertise.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Dennis Woehler: ONB Insurance  
2003 Health Insurance Recommendations**

President Fanello: Dennis Woehler.

Dennis Woehler: Dennis Woehler, ONB Insurance Group. Of course, I'm here this evening to discuss the health insurance. I have an official copy of my summary that I'll give to Madelyn, and then it also occurred to me that, just in case you all weren't up to par on each plan, since everybody has a different one, I have a copy of the current benefits—

President Fanello: That would be great.

Dennis Woehler: —structure as well.

President Fanello: Thank you.

Dennis Woehler: In my summary, which I gave to you all, I don't know, a couple of weeks ago, I made a couple of recommendations on where I felt we could do some cost savings, and save the county some money. Not only this year, but, possibly, in renewals. The, and, I guess, at this point, I'm open for discussion on what you all would like to hear about.

President Fanello: Have both the Commissioners had a chance to review the information provided?

Commissioner Mourdock: Yeah, I looked at it—

Commissioner Mosby: I looked at it.

Commissioner Mourdock: —several weeks back.

President Fanello: Anyone have any thoughts?

Dennis Woehler: Please keep in mind that my recommendations are simply that, recommendations. I'm here, basically, to ask for your approval on the renewal, or your insight on what changes you would like to see.

President Fanello: The plan recommendations that Dennis did make, just for the record, do amount to a \$308,000 decrease next year in our renewal rates.

Dennis Woehler: Now, how I arrived at those figures is, basically, I backed out everyone who was not on the county payroll, okay? In other words not a direct employee, because the costs that directly affect you are the only one's that are concerned in these numbers.

President Fanello: Does anyone have any questions? Or would like to make a motion to that effect?

Commissioner Mourdock: You want the motion, basically, that we go forward with the recommendations as offered?

President Fanello: I'm comfortable with the plan changes. I think they're changes that won't impact the employee, just, you know, to a great degree, and I think they will be able to live with them.

Commissioner Mourdock: Uh-huh.

President Fanello: I definitely don't want to cause any hardship on anyone. We're going through tough economic times, so.

Commissioner Mourdock: I'll move that we act to accept the recommendations.

Commissioner Mosby: I'll second.

President Fanello: And I'll so ordered.

Dennis Woehler: Alright, I'll have the proper paperwork drawn up, and submitted for signatures.

President Fanello: And Charlene had sent me an e-mail the other day making sure, I think, during the open enrollment, I guess, that she was going to send out some notification on the payroll checks, so.

Dennis Woehler: Yes, we'll get busy right away on putting together some sort of flyer for her to attach, and I'll deliver them to her in a timely fashion, so that she can get them out in the paychecks ahead of time. We have already scheduled the open enrollment meetings for two days in September. So, we're expecting the first week of September—

Unidentified: November.

President Fanello: I was going to say.

Dennis Woehler: I mean November. I'm sorry. I'm in the wrong month here, but the first, the first, there is a payday, according to her, right in the first week of November. That is when we will put the attachment in, so that it is fresh in everyone's mind, because the meetings will be the following week, and the week after that. Hopefully, and there will be three meeting times, so, hopefully, everyone who is interested, you know, we'll kind of spell out the changes that are going to occur, but everyone who wants to, wants more information, or wants a plan change,

or anything of that nature, then there will be three meetings scheduled.

President Fanello: So, then, also, I think, there's a health insurance group meeting this week, right?

Dennis Woehler: Absolutely. On Thursday.

President Fanello: And you'll probably talk about that in there also.

Dennis Woehler: Yes, so everyone will know well in advance.

President Fanello: Yeah, so, I mean, we're going to go with the plan changes, and, I think, some of the employees were probably wondering if we were going to change contribution percentages, but that's not going to happen next year, so.

Dennis Woehler: Alright. Well, there were a lot of issues, and a lot of questions about what was going to happen. I think, pretty much everybody agreed that, you know, some changes needed to be made, that cost containment needed to be in the program, while still providing quality health care. Hopefully, we're accomplishing some of that right here.

President Fanello: I hope so. Thank you, Dennis.

Dennis Woehler: Thank you.

**Marilee Fowler: Evansville Convention and Visitors Bureau  
Update on Current and Future Events**

President Fanello: Marilee.

Madelyn Grayson: Marilee, do you have one for the record?

Marilee Fowler: I sure do. I'll get it for you. Thank you very much for this opportunity. The last time I was here, I said I would be glad to share, periodically, updates of what's going on at the Convention and Visitors Bureau, and I thought it was time, at this point, to do that. So, thank you for this opportunity. I provided you with a packet of information, and it includes our convention calendar for 2002, as well as booked conventions for 2003, 2004 and 2005. We're very excited that we're now starting to see conventions that are booking at least three years out. Highlights for the coming year, 2003, will be: the Kennedy American College Theater Festival, returning for a second year, the American Legion will be here, Fraternal Order of Police, American Gold Star Mothers, Indiana Township, which I'll come back and ask for help, probably, on that one from you. The Indiana Sheriff's Association, Church of God of Prophecy, their North American Conference, and the Regional Network Neighborhood Network Conference. 2004, just to highlight a couple, is the Indiana Judicial Center, and the Association of Indiana Counties. Then in 2005, we have Women of the Evangelical Church of America. So, you can see it's a variety, lots of different groups that are considering Evansville, and are booked for three years out. We continue to work with a lot of state organizations, probably, the next one will be showing on our books is the League of Indiana Cities and Towns, and other church groups like the Jehovah Witnesses. So, we think our efforts are starting to pay off from some of the markets that we're looking at. The other market

we are pursuing is sporting events. In 2002 it was exciting that we hosted the Great Lakes Valley Conference Men's Basketball Tournament, the NCAA Division II Men's Elite Eight Basketball Tournament, American Youth Basketball, the Snickers Tournament, and in November we will be doing an Evansville Elite Soccer Veterans Invitational Tournament. So, the more soccer tournaments, the more soccer fields, the more groups like that we can host. So, we continue to pursue soccer, basketball, with the new Swonder facility opening, we're looking at new ice hockey opportunities. We're also looking at working very closely with the University of Evansville, and the University of Southern Indiana when they bring groups in, which thanks to the efforts of USI, we'll be hosting the Division II National Collegiate Cross Country next year. So, it's starting to pay off in our efforts for sporting groups. The big one that we're working on is this Women's Senior Golf Tournament. You may have heard different stories about this. Corporate sponsorship is the critical part to this, and I think we're close to raising about \$400,000 to see this happen. We've gotten sponsorship from Mead Johnson, Deaconess Women's Hospital, Buehler's Buy Low Supermarkets, Vectren, Casino Aztar, the Evansville Courier and Press, the Convention and Visitors Bureau, and Victoria National Golf Course has even donated the course. Enclosed in your packet is a brochure that we've designed to raise that corporate sponsorship, and the graphic work for that was donated by Firehouse Marketing, and the printing was donated by Mead Johnson. So, we've even got corporate people that see the value of this, and even have provided us the tool to do that. The bureau has also been involved in conducting a study of economic impact generated by the travel and tourism industry. The study was first done in 1998, and the findings for 2001 show an increased growth in these past three years. The tourism, travel industry contributed \$384 million to the Evansville-Vanderburgh County economy in 2001, compared to \$347 million in '98. The tourism industry also generated over \$115 million in tax revenues, compared to 109 in '98. This industry also has created close to 5,800 jobs in our county. The Bureau also tracks hotel occupancy, and year-to-date, at this point in time, we're up about 10% over last year. April we were up almost 15%, May was 10%, July was 13%, and, excuse me, June was 13%, but July was a wrecking, record 21%, compared to the year before. Other projects that we've been working on is the Renactment Exhibition of the Lewis and Clark trip that will be in Evansville in the fall of 2003. Probably the biggest, and most exciting is an LST visit. The LST 325, at this point, looks like will be in Evansville next year. This is a major undertaking, bringing this ship here, and assisting this crew, but we think it's very exciting to bring a piece of history back to Evansville.

Commissioner Mourdock: Is that the one that's down in Birmingham?

Marilee Fowler: Yes. Mobile, it's in Mobile. What they will do is they will sail it up the Mississippi, maybe stop at some cities along the way, but it's Evansville that's really courted this ship in making this trip up the river. So, hopefully, very soon we'll be making that announcement. There's a lot of logistics to be worked out to bring this ship here. So, at this point in time, up through this year, we've assisted over 40 conventions, meetings, sporting events to Evansville. We've been involved in bringing the Chattanooga Star Excursion boat, and the Captain of this boat has been very pleased with the reception he received, and has made a commitment to return next summer for even a longer stay. Our board of directors has worked very hard to develop a long range strategic plan, and has already adopted a marketing plan for 2003. In light of how the tourism and travel industry has been drastically affected this past year, I believe that Evansville has experienced just the opposite. Travel patterns have changed. People are looking to travel to visit family and

friends, and they are traveling by auto. We are the excellent market for that type of travel. We're also a very safe community, and that has also taken a different appeal to people in their travel. So, at this time, I feel we've had a very successful 2002, and we look to see it even more exciting for 2003.

President Fanello: Does anyone have any questions?

Marilee Fowler: Thank you.

President Fanello: Thank you, Marilee.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board? Seeing none.

**Old Business**

President Fanello: We'll move on to Old Business. I'm not sure if this is where we want to bring up the CSX agreement, or did you want to do that under your report, Kevin?

Kevin Winternheimer: Whenever you want.

President Fanello: I guess, we can go ahead and take care of it now, since it is Old Business.

Kevin Winternheimer: Okay. Before you is a purchase agreement for 37 acres of the CSX property over next to Highway 41, at \$25,000 an acre. The total purchase price is \$925,000. As part of the agreement there is a deposit request of \$92,500. The agreement is contingent on many things, including; completion of a geo-technical survey, an appraisal, a good and marketable title of the property, suitability to use the property for the construction of a detention facility, and environmental concerns to the satisfaction of the buyer. The agreement goes on to discuss those in more detail, but that is a summary of the agreement. If there are any questions.

President Fanello: Are there any questions?

Madelyn Grayson: Do we have a copy of the agreement for the record?

President Fanello: I've got them right here.

Kevin Winternheimer: She has three originals. I assume the railroad wants at least one of those back with the check.

Commissioner Mosby: (Inaudible)

Commissioner Mourdock: And when, I'm sorry, from what you just said, Kevin, are you expecting more definition on a couple of those contingency issues? Or are you pretty well there?

Kevin Winternheimer: It's there. The agreement goes on to more, it expounds on some of those contingencies.

Commissioner Mourdock: Okay. And I'm looking for it, and I don't see it at the moment, but there was one provision that I caught earlier that if there is any problem on the environmental or geo-technical, there's a 120 day cure? Is that right?

Kevin Winternheimer: That sounds right. It is delineated in there, but that does sound right.

President Fanello: Yes, 120 days contingencies must be complied with following date of sellers acceptance.

Commissioner Mourdock: Which page was that?

President Fanello: I don't know, I just wrote it in my note back here.

Commissioner Mourdock: Okay.

President Fanello: I had all the dates written down.

Commissioner Mourdock: That's alright.

President Fanello: We must have been thinking in the same thing.

Commissioner Mourdock: Yeah, I wanted to make sure it was defined, and I found myself thinking is 120 days enough. The wording in that 120 days, if it's not cured, I guess, it would take mutual agreement between the parties to extend beyond the 120 days, because I think the way it was written was, basically, if it's not done in 120 days, it says it's over, but the parties always have the chance to—

Kevin Winternheimer: Right.

Commissioner Mourdock: —do something different.

President Fanello: It's on page two.

Commissioner Mourdock: Two?

President Fanello: Yeah, 5.2, contingencies listed in section 5.1 must be satisfied or complied with for the 120 days.

Commissioner Mourdock: Okay. Okay.

President Fanello: Are there any other questions?

Commissioner Mosby: I'll make a motion to accept.

Commissioner Mourdock: And, obviously, we'll, with all the contingencies in place, I'll go ahead and second.

President Fanello: Okay.

Commissioner Mourdock: And we'll see.

President Fanello: A motion and a second. So ordered. And, Tammy, you will probably need to, in order to get a check written, we'll have to get some information from them, I assume. So, we have a business card here for Mark Friedlin. So, I don't know if you'll need to give him a call tomorrow to get....because they will need a deposit. So, you'll need to do a claim for the deposit. Okay. Is there any other Old Business.

Bill Fluty: Catherine?

President Fanello: Yes.

Bill Fluty: I have some Old Business.

President Fanello: Okay.

Bill Fluty: I think in August there was some discussion on the TIF--

President Fanello: Uh-huh.

Bill Fluty: --and Suzanne researched that, and I think a comment was that that was a good revenue source for the county. We've worked with Umbaugh and Associates, and we have some information to pass out tonight.

President Fanello: Okay.

Bill Fluty: If you would just like to take this, and look at it, and maybe discuss it next week.

President Fanello: Sure would.

Bill Fluty: It might be helpful in moving Lynch Road forward.

President Fanello: Thank you, Bill.

Bill Fluty: I did get your e-mail today, and I will get you the rest of it.

President Fanello: Thank you, because I was working up some preliminary calculations, and didn't have all the revenue information.

Bill Fluty: I'll get that to you.

President Fanello: Here's Kevin's copy.

Commissioner Mourdock: I'll move we take the Auditor's information on Burkhardt Road under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**New Business**

President Fanello: Okay, is there any New Business?

Commissioner Mourdock: Uh, well, go ahead, I'll save it for another topic.

President Fanello: I don't really have any.

Commissioner Mourdock: It's a meeting topic.

President Fanello: Does anybody have any New Business?

Commissioner Mosby: I don't think so.

President Fanello: Okay. Seeing none, we'll move on to department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First I've got an item regarding the Elmridge and Congress Drainage Project. As the works progressed out there, they are finding some unsuitable soils underneath the old pavement, and that was not included, replacing that unsuitable soil with stone was not included in the original bid price. We received a price from Koberstein Trucking for excavation, removal of that soil, and replacing it with rock, and we're estimating that it will probably be about \$5,000 worth of undercut that we'll have to do out there. I'm requesting that that be approved. I would just bring a change order in once the work was completed. The unit price for that work, I believe is \$29.50?

President Fanello: \$29.50 per ton.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: The other item I've got is in regard to Helfrich Hills Subdivison. There's a drainage easement that was out there that the property owner has requested approval to install a pipe. These are the original plans, and here's the pipe in question. What the property owner wanted to do was, where we've got an open ditch called for here, it's in front of lot 13 in Helfrich Hills...oh, sorry about that. Here in front of lot 13 there was an open ditch called for outside the right-of-way. What the property owner wants to do is to pipe that, and in doing so, they need to install a concrete junction box in at the right-of-way line, and then extend the pipe outside the right-of-way. The plan they've submitted is satisfactory for doing that. So, I'm requesting approval for the work within the right-of-way. Then at the next drainage board meeting, Bill Jeffers will request your approval for the remainder of the piping outside the right-of-way.

Commissioner Mourdock: Are they paying for the piping?

John Stoll: They are paying for it. They will be responsible for maintaining it. It's all at their expense.

Commissioner Mourdock: Okay. I like that. Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

President Fanello: Does she need this for the record, on that other deal?

John Stoll: Yeah, that's a copy for the record.

President Fanello: Okay. Thank you, John.

### County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I just want to report that the equipment that was okayed for purchase last week has been purchased, and it should be within six to eight weeks. Beside that, that's, basically, all I have. You have my report. Does anyone have any questions?

Commissioner Mosby: I don't.

President Fanello: Okay. Thank you, Dennis.

Commissioner Mosby: Thank you, Dennis.

### County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: I have nothing further.

President Fanello: That's what we like to hear.

### Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Along with my report, in the packet I also included the spread sheets that I presented to County Council regarding the Patient/Inmate, and how the costs have increased greatly. If you have any questions about that, just let me know.

President Fanello: Okay.

Tammy McKinney: This week I had a pleasant surprise. I, well, it came to me, but, the Old Courthouse was voted the Best Non-Residential Architectural Building in Evansville by Evansville reading, Evansville Living readers. So, this will be in my office if anyone wants to see it. That's all I have to report.

Commissioner Mourdock: I have a question for you, Tammy.

Tammy McKinney: Sure.

Commissioner Mourdock: In your report, last Monday, you noted a phone conversation with Gary May, and he is concerned because, "nothing has happened, nothing has changed in relation to the polling places since last Monday." What was he looking at? I don't recall that we agreed to do any changes.

President Fanello: I had asked Tammy that same question earlier. So, I'm really not sure, and she really wasn't sure either.

Tammy McKinney: Right, and I spoke with Marsha Abell regarding, you know, what can be done, and, actually, she got, she was in the process of going to a meeting, so I haven't got back with her, and I'm not sure what he wants done either.

Commissioner Mourdock: Yeah. I haven't looked over the minutes from the night he was here, but my memory was that what we said we were going to do, we were going to advertise, make sure that the public was aware that every facility, or that the polling places here would be accessible to everyone, and then try to maintain ADA compliance in the future on all of our sites.

Tammy McKinney: Right.

Commissioner Mourdock: Okay.

Tammy McKinney: Is there any other questions?

President Fanello: Anybody have any questions? Thank you, Tammy.

<b>Burdette Park</b>
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President Fanello: Burdette Park.

Gary Hohman: Excuse me, Gary Hohman, Burdette Park. We originally had a utility easement to present to you tonight from Vectren, for your consideration and approval, but we faxed a copy to Mr. Stoll, and to Kevin, and Mr. Stoll has indicated that there is some language in this contract that he would like to have clarified before it is presented to you. Other than that, and our work report, that's all we have for tonight.

President Fanello: Do you have any questions?

Commissioner Mourdock: Gary, there was a letter that's gone around that I know you responded to, Steve Craig responded to, and some others. Just as a suggestion, next year when you get ready to hire your temporary folks, if you don't do this now, and I sense that you don't have, would you make sure that they sign

off on their understanding as to what all the benefits are? I know we don't do with them what we would do with a normal full time employee, as far as have them sign off with a personnel policy sheet, but between now and next spring, maybe this board, working with Kevin, can put something real simple together to save some of those problems.

Gary Hohman: Each of those individuals were given a sheet notifying what the criteria was—

Commissioner Mourdock: But did they sign the sheet acknowledging they received that? That's my point.

Gary Hohman: They received a paycheck, sir. They got a copy of that.

Commissioner Mourdock: Well—

Gary Hohman: It was attached to their paycheck.

Commissioner Mourdock: Okay.

Gary Hohman: But, we can look into that.

Commissioner Mourdock: You understand my point?

Gary Hohman: Yes, sir.

President Fanello: Are there any other questions for Gary? Thank you.

Gary Hohman: Thank you.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: And we have Soil and Water, and the Ozone Officer's Report, so I would move those be added to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Request to Cancel November 4, 2002 Commission Meeting**

President Fanello: Before we go any further, you had a question about a meeting.

Commissioner Mourdock: Yes, tradition is on the Monday before elections, we normally do not meet, because so many people involved with our minutes and such end up spending long, long days on Tuesday. So, if there is no objection, I would move that we notice that we would not be meeting on Monday, November 4<sup>th</sup>, I think. Is that right?

President Fanello: Yes.

Commissioner Mourdock: Yeah, November 4<sup>th</sup>.

Commissioner Mosby: How far ahead do we have to notice that?

Tammy McKinney: I guess, 48 hours.

Kevin Winterheimer: Well, actually there is no set time for notification of a cancellation. So, you can do it anytime you want.

Commissioner Mosby: Then I would prefer to wait, and see what comes up on the agenda.

President Fanello: Okay. Well, we'll defer it then.

Commissioner Mourdock: Okay.

<b>Consent Items</b>
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President Fanello: Okay, Consent Items.

Commissioner Mourdock: Are there any additions or deletions that we know of?

President Fanello: Not that I know of. Do I have a motion to accept?

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered. Do I have a motion to adjourn? We have one from the Sheriff back there.

Commissioner Mosby: Motion to adjourn.

Commissioner Mourdock: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:08 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department                      DADS

**Employment Changes:**

Voter Registration                      County Highway                      Knight Assessor  
Surveyor                                  County Assessor                      Health Dept.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**County Clerk:** Submit monthly report for August 2002.

**Treasurer:** Submit monthly report for August 2002.

**Auditor:**

Submit Financial, Cash and Expenditure Report.  
Pass Through of MCH Grant Renewal for Health Department.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Dennis Woehler	Marilee Fowler
John Stoll	Dennis Hudnall	Gary Hohman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 14, 2002**

The Vanderburgh County Board of Commissioners met in session this 14<sup>th</sup> day of October, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting October 14<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of October 14, 2002 Executive Session Summary Minutes**

President Fanello: Approval of today's Executive Session summary minutes.

Commissioner Mourdock: I'll move approval of summary minutes. The meeting began at 5:15, ended at 5:20. The three Commissioners and Ms. Crouch were present, and we discussed personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of October 7, 2002 Commission Minutes**

President Fanello: October 7<sup>th</sup> minutes.

Commissioner Mourdock: Motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Open Bids for VC-26-2002: Towing Contracts**

President Fanello: Phil Lawrence.

Phil Lawrence: Good evening.

President Fanello: Good evening.

Phil Lawrence: First, I would like permission to open VC-26-2002, towing bids.

Commissioner Mourdock: Motion to open, and how many are there, Phil?

Phil Lawrence: There are three different, four different companies.

Commissioner Mourdock: Okay.

Commissioner Mosby: A bunch.

Phil Lawrence: A bunch.

Commissioner Mourdock: Okay, I'll move we open a bunch of bids.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: Are there any bids from the audience? Seeing none.

Commissioner Mourdock: Is this for all three?

Phil Lawrence: Yeah.

Commissioner Mourdock: For the record, the bids being opened are for the towing contract, oops, I'm sorry. Yeah, okay.

Kevin Winternheimer: The first bid I've opened is from Wolfe's Auto Auction of Evansville. Let me see what they bid here. Well, I'll just have to read them, read the list here. On non-county owned vehicles, this is for vehicles that have had accidents, or are broken down on the right-of-way, that are not owned by the county; for storage of the automobiles, pick-up trucks, etcetera, \$5 per day. Storage of motorcycles, \$5 a day. Storage of a truck over one ton, \$7.50 a day. Storage of a semi truck without trailer, \$10 a day. Storage of a semi truck with trailer, \$20 a day. Storage of a bus or large RV, \$10 a day. Storage of an ATV, \$5 a day. Storage of tractors, backhoes, and trailers, \$7.50 a day. Then under county owned vehicles, they have no charge written. Okay, let me make sure I, let me make sure this is a duplicate here. It looks like it. Yeah. The next bidder is St. Wendel Auto Parts and Service. For, this is for wrecked and impounded county vehicles. This is for the vehicles that have had accidents, and are broken down in the right-of-way. Non-county owned vehicles, automobiles, pick-up trucks, and vans, \$5. Storage of motorcycles, \$3. Storage of a truck over one ton, \$6. Storage of a semi truck without trailer, \$6. Storage of semi truck with trailer, \$10. Storage of a bus or a large RV, \$6. Storage of an ATV, \$3. Storage of tractors, backhoes, and trailers, \$6. Then on county owned vehicles for storage, they have no charge written. Okay, this, again, is St. Wendel Auto Parts and Service, and this is for the towing of abandoned vehicles. Okay, I'm trying to think of an easy way to do this. There are five categories, is that correct?

Phil Lawrence: Yeah, there is probably not an easy way to do that one.

Commissioner Mosby: Do you just want to take them under advisement?

Kevin Winternheimer: Well, let me just do this, and just for the record that they declined to quote on category two, and three, and five, and there are various items, and sub-categories on the rest of the stuff.

Phil Lawrence: Yeah.

Kevin Winternheimer: They're public record, if anybody wants to see them, they can see them. The next set of bids is, again, from St. Wendel Auto Parts and Service. This is for the towing of nuisance, wrecked, impounded, and county vehicles. Again, they have various pricing methods listed. They declined to vote, uh, vote, declined to quote on items, or categories two, three, and five. Okay, the next set of bids is from Mike's Towing Service of Evansville, and this is for the towing of abandoned vehicles. It looks like they've bid every category, with various prices listed.

Phil Lawrence: Those are five different districts in the county. So, if you would just read, maybe, one column of that. Most of those columns should be the same.

Kevin Winternheimer: Oh, I see what you're saying. Okay, for the towing, okay, oh, that's five different districts.

Phil Lawrence: Yeah.

Kevin Winternheimer: Okay. For the towing of the automobiles, pick-up trucks, and passengers, I see, it's \$35 across the board. Towing of motorcycles, \$45. Towing of bicycles, \$35. Towing of trucks over one ton, \$85. Towing of a semi truck without trailer, \$85. Towing of semi truck with trailer, \$85. Towing of a bus, or large RV, \$85. Towing of an ATV, \$45. Tractors, backhoes, and trailers, \$85. Flatbeds and wenching, \$10, and that was all across the board. I assume it's the same. Okay, that's copies. Okay. Okay, these are all copies. Okay, the next set of bids is from Mike's Towing Service, again. This is for wrecked and impounded vehicles. Automobiles, pick-up trucks, and vans, \$5. Motorcycles, \$5. This is storage, I'm sorry. Storage of nuisance, wrecked, and impounded vehicles. He bid \$5 for each item, under the non-county owned vehicles. That makes it easier. For county owned vehicles, there's no charge. Here we go, oh, okay, alright. Okay, the next set of bids is from Mike's Towing Service, and this is for towing of nuisance, wrecked, impounded, and county vehicles. Again, it looks like he's bid all districts. The, it looks like the costs are all the same, I'll just read them down. Automobiles, pick-up trucks, and vans, \$35; motorcycles, \$45; bicycles, \$35; truck over one ton, \$85; towing of semi truck without trailer, \$85; towing of semi truck with trailer, \$85; towing of bus, and large RV, \$85; towing of ATV, \$45; tractors, backhoes, and trailers, \$85; flatbeds and backhoes, and trailers, \$85. Then for county owned vehicles, he has no charge for automobiles, trucks, and passenger vans, motorcycles, and bicycles. For trucks over one ton, \$85. Towing of semi trucks, \$85. Towing of semi truck with trailer, \$85. Towing of bus or large RV, \$85. No charge for towing of an ATV. Tractors, backhoes, and trailers, \$85. Flatbeds and wenching, \$10. A per mile charge for towing outside the county limits, an additional 50 cents per mile, across the board. That's all for number one. Okay, the next set of bids is for towing, disposition of wrecked, impounded and nuisance vehicles. The bidder is Hamrick's Diesel Service, Inc. of Evansville. Okay, under, again, this is storage of nuisance, wrecked and impounded vehicles. For non-county owned vehicles, he's bid \$3 for the automobiles, pick-up trucks, and vans. Motorcycles, \$3. Trucks over one ton, \$5. Semi truck without trailer, \$5. Semi truck with trailer,

\$5. Bus and large RV, \$3. Storage of ATV's, \$3, and tractors, backhoes, and trailers, \$5. For county owned vehicles, storage cost, no charge. Next set of bids is for storage of nuisance, wrecked, impounded vehicles. The bidder is Hamrick's Diesel Service, Inc. Okay, and it looks like the, this is again the towing of nuisance, wrecked, impounded and county vehicles, and it looks like he's bid all districts. For automobiles, pick-up trucks, and passenger vans, it's \$35, across the board. It looks like all his prices are across the board. Motorcycles, \$35. Bicycles, \$10. Towing of trucks over one ton, \$50 per hour. Towing of semi truck without trailer, \$70 per hour. Towing of semi truck with trailer, \$75 per hour. Towing of bus and large RV, \$40 per hour. Towing of ATV, \$30 per hour. Tractors, backhoes, and trailers, \$45 per hour. Flatbeds, backhoes, and trailers, \$45 per hour. For county owned vehicles, it looks like the prices are the same, across the board. He's got automobiles, trucks, and passenger vans, \$30. Towing of motorcycles, \$20; bicycles, \$10; truck over one ton, \$40; semi truck without trailer, \$40; semi truck with trailer, \$40; these are per hour on the towing of semi truck without trailer and with trailer, it's per hour. Towing of bus and large RV, \$40 per hour. Towing of ATV, \$25. Tractors, backhoes, and trailers, \$40 per hour, and the per mile charge, \$1.20. The last bid is from Hamrick's Diesel Service, Inc. Okay, these are towing of abandoned vehicles. It looks like the prices are the same across the board. He bid all districts. Towing of automobiles, pick-up trucks, and vans, \$35; motorcycles, \$35; bicycles, \$10. Towing of a truck over one ton, \$50 per hour. Towing of semi truck without trailer, \$70 per hour. Towing of semi truck with trailer, \$75 per hour. Towing of bus and large RV, \$40 per hour. Towing of ATV, \$30 per hour. Tractors, backhoes, and trailers, \$45 per hour. Flatbeds and wenching, \$40 per hour. That's all I have.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Advertise APA08-2003: Batteries and  
APA017-2003: Guardrails**

Phil Lawrence: I would like to, permission, I'm wore out now, advertise APA008-2002, batteries, and APA017, guardrails. Actually, that should be 2003.

Commissioner Mosby: I'll make a motion to advertise.

Commissioner Mourdock: Second.

Commissioner Mosby: Permission to advertise.

President Fanello: So ordered.

**Permission to Roll Annual Contracts**

Phil Lawrence: I would like to, that last item, move it till next week. There's a couple of little glitches in that.

President Fanello: Okay.

Commissioner Mosby: Motion to hold.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Phil.

**Gartner Contract**

President Fanello: Next item is the Gartner contract. I met with the Mayor last week, and Kevin Winternheimer has reviewed this contract. If you remember a few, it's been about two months ago, I think, that we took RFP's on trying to find a consultant who could help us write an RFP for Computer Services next year, because our contract does expire next June. The first step in that, what the committee decided to do was to get a needs assessment, and that's what this proposal with Gartner is. The price in the contract will be shared 50/50 with city/county. Our funds are in place.

Commissioner Mourdock: Okay, that's my first question was how the funding was going to be split.

President Fanello: Yes.

Commissioner Mourdock: The other two things that I would make, not necessarily that they need contract changes, but the several comments that are made about how these folks will interact with our representatives—

President Fanello: Uh-huh.

Commissioner Mourdock: —is that a clearly defined sub-group of the Data Board? Or who will our representatives be?

President Fanello: Well, actually, the Mayor wanted for us to get together, and, I think, kind of work with the Data Board, and see who all would be the representatives that would work with everyone.

Commissioner Mourdock: Okay, and my only other comment was in reviewing this, and getting a better feel for what Gartner can do, and what they have to offer, I don't see anywhere in the document where it necessarily alludes to this, but it might be worth while, to at least keep the option open, that if they do this successfully, that they would, in fact, be a, oh, maybe a consultant for us when it comes to actually negotiating with ACS, or whomever wins the actual contract.

President Fanello: They talked to us about that—

Commissioner Mourdock: Okay.

President Fanello: —and they are willing, obviously, to do that for a price, but, yes, they do have, they've been very successful. That's one of their key jobs. They did Marion County, so. That's an option. If we decide not to go out for RFP, and we decide to re-negotiate our contract.

Commissioner Mourdock: Yeah.

Phil Lawrence: Madam Chairman, also the Board of Public Works also approved—

President Fanello: Did they approve theirs?

Phil Lawrence: Yes.

President Fanello: Okay.

Phil Lawrence: This morning. The signed copies are here.

President Fanello: Alright. Thank you, Phil.

Commissioner Mourdock: I'll move to approve the document, then that's submitted to us.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Will Fosse: Old Courthouse Roof Project**

President Fanello: Next item, Will Fosse, Old Courthouse.

Will Fosse: Good afternoon to the members of the Board of Commissioners, and others. About 18 months ago a committee was formed to study the Courthouse, and make recommendations on it to make it ship shape, so to speak. One of the recommendations was to, the first recommendation was to get a weather tight exterior. Part of the weather tight exterior was, consists of the roofing, and flashing. Recommendations were made to re-roof it, and I'm here tonight to present to you the project manual, and the drawings to do this re-roofing. I've got a , let me just move this up. The drawings consist of photographs, and details, and if you'd like to go through them, there's 18 or 19 pages. We can, I would really like to give you an overview of what we're doing, and how we're doing it. Then really request permission to advertise the project for bids. Okay, this is a plan of the Courthouse, and this, these, okay, the four corners are the domes. The areas in here are sloped, single roofs, on each side. These four areas are the light wells, and there is sky lights in there. There are some roofing area here, roofing area here, and then the rest, all of this other area is going to be re-roofed. The use of the site, depending on how the contractor is going to do this, there are going to be areas of the site fenced off for construction purposes. However, the Vine Street entrance, because of that is the handicapped access, that site will, that entrance will be available at all times. We're assuming that they may take a section of the building here and work on that, and that may take several weeks. At that time, this entrance would be closed off. Likewise, the other three areas, but, again, this will be always open, because that's the handicapped access. We are taking off all of the existing slate roof, which is on the sloped areas. These are the trapezoidal areas. We're also taking off, there are some other types of roofing; we have slate roofing, we have sheet metal roofing, flat, which is, will be soldered in these areas right here, between the light wells. Then on the towers, on the domes, from here up, we're leaving that construction pretty much as is, with the exception of we're taking some unit costs on replacing some of these decorative shapes that are damaged or missing, but the remainder of the domes, in this area, that is flat, seamed, copper

roofing, and that will be removed, the existing removed, and replaced. Now, the materials used for this re-roofing are, the sheet metal roofing is copper. For the domes, this is a pre-patinated copper, and it's, this is the color the copper gets after it weathers for quite a while. You can get this pre-patinated, and we're doing that because this, from here up, is going to remain, and that's, basically, this color. The rest of the dome, all the domes, would be done utilizing this material, and flat seam. The other flat seam roofing in here, would be just regular copper. That's more or less like the color on the back side of this. This will be soldered seams. The flat seam roofing on the domes will be battened seams. The slate for the project is a grade A, unfading color, and it probably will last 75 to 100 years. The flashing for all these ridges in here, and valleys, and gutters, and gutter liners, that will be constructed using lead coated copper. This is a sample of lead coated copper. It gets a little bit greyer with age, which will approach the color of the slate. That's the material for it. Now, some of the, this project, this re-roofing project is a little bit different than a normal re-roofing project, it has some things that we have to take care of. One of those is because of the spaced framing for the shingles, right now, when they demolish the existing slate, it's, there's a possibility that it could go through the framing is 8" on center, and it could, the slate could go through the spaced framing, and damage...whether you know it or not, there is some HVAC equipment, and duct work in the attic floor. We have to protect that from damage, because the slate might be 20' or 30' above it, and the pieces of slate dropping down could damage that equipment. So, there are some circumstances on this project that are a little bit unusual. The other, some of the other problems are, it's very easy to get to this part of the project, because there is an elevator about right in here. To this side of the project, it's very hard to get into the attic areas. You have to go up some stairs, and down some other stairs, and I just say this because it's not a standard construction project. There's a few little things that are unique. The phasing of the project will really be up to the contractors on how they want to manage it, but we're thinking that they probably would start with the sheet metal domes first, and then do the slate roofing. Actually, the way that it's being bid, they could do both the sheet metal, and the slate at the same time, because we're suggesting that the bid be awarded to a roofing contractor, and we're suggesting that the sheet metal roofing, and flashing bids be taken separate, as well as the roofing contract bids, and awarded to the low roofing contractor. I have some copies of information that we were going to give to potential bidders. These indicate a notice to proceed, I mean, a Notice to Bidders, a summary of the work to be done, and a bid form, or proposal form. With these, a potential bidder can get a very good grasp of what we're asking for. These are for your information.

Madelyn Grayson: Will, do you have an extra set for the record?

Will Fosse: Yes, ma'am.

Tammy McKinney: Madelyn, that's what I gave you.

Madelyn Grayson: I have one already. Thank you.

Will Fosse: Very good. The other things we've, we have utilized some expertise of Dennis Au, he has reviewed the documents for historic preservation purposes. He has found no problems whatsoever. I think this would be important, down the road, if we are looking for grants, or some certification, as far as preservation uniqueness. The drawings are, this set is, I will call it a preliminary set, but we believe the drawings in the project manual are ready to go out for bid. We really request your

permission to do that. However, I would answer any questions, if you might have them right now.

President Fanello: Does anyone have any questions?

Commissioner Mourdock: Did I understand you, Will, that all of the slate that's there now will be replaced by what you called the leaded copper?

Will Fosse: No. No, all the slate will be replaced with new slate.

Commissioner Mourdock: Okay.

Will Fosse: Just the, the lead coated copper is for, is a sheet metal, and that's just for flashing—

Commissioner Mourdock: Okay.

Will Fosse: —or ridge flashing—

Commissioner Mourdock: Well, you said it was—

Will Fosse: —hip flashing, and gutters.

Commissioner Mourdock: Okay. You said something about it was approximately the same color, and would blend in.

Will Fosse: Oh, well—

Commissioner Mourdock: I misunderstood you. So, that's fine.

Will Fosse: I don't, you can't see the photographs here, but right now this is a slate colored, this is slate, and the flashing is green, it's the patinate—

Commissioner Mourdock: Right.

Will Fosse: —right now. It's, well, it's got so many holes in it, it's hard to tell whether it green or grey, but we're using lead coated copper, instead of the plain copper, because we think it will give a better effect. That was one concern that Dennis Au had, but we really don't believe that, I'm not sure that 120 years ago they had lead coated copper.

Commissioner Mourdock: Sure. Yeah, okay. I guess, I'm having a senior moment here, but the building has not been listed on the National Historic Register, at this point, as a historic building, has it?

Tammy McKinney: I think it's still on there.

Commissioner Mourdock: It is on there?

Tammy McKinney: Uh-huh.

Commissioner Mourdock: Okay, in that case you mentioned that Dennis approved, Dennis looked at it and okayed—

Will Fosse: Yes. Dennis has a copy of the drawings and the specs.

Commissioner Mourdock: Is there anyone else, and I don't think any of us can probably answer this question right now, but if it is nationally registered, is there anyone else that we need to get pre-approval from on this, so that we don't put some future grant at risk? Might, I hope the answer is no, but we better check that.

Will Fosse: We think that Dennis is the, right now, as far as we need to go.

Commissioner Mourdock: Okay, well, respectfully, we think, I want to be sure.

Will Fosse: Okay.

Commissioner Mourdock: So—

Will Fosse: Well—

Commissioner Mourdock: Yeah.

Will Fosse: I think. Maybe I'm wrong.

Commissioner Mourdock: Yeah, and you probably are right, but I just want to be sure that we don't blow something along the way. Last question, in looking at this, and just thinking of the type of work that has to be done, and, are you seeing this for the first time too, Kevin? The bid document?

Kevin Winternheimer: I saw the bid documents. I didn't review the plans, obviously.

Commissioner Mourdock: Okay.

Kevin Winternheimer: But the bid documents.

Commissioner Mourdock: My only thought is, I'm wondering if we should have some higher indemnification limits on this, and hold harmless type stuff than what we normally do, because working on those roofs, obviously, there's a risk there that goes beyond what a lot of normal construction would be. Obviously, if we put that requirement in there, we'll have to pay for it, in a sense, but I think it would be money well spent.

Will Fosse: I have the, do you want to see what—

Kevin Winternheimer: I don't remember what it was.

Will Fosse: I have them right here, I believe.

Kevin Winternheimer: He has \$2 million each occurrence on (Inaudible) and property damage both. So, whatever you think. Do you want to go higher in the property damage (Inaudible)?

Commissioner Mourdock: Yeah, I would suggest, maybe, \$5 million, or something. I mean, this is a pretty extraordinary type of thing, so.

Kevin Winternheimer: That's fine. That's not unreasonable.

Commissioner Mourdock: Those are my only comments.

President Fanello: Anyone else have any questions? So, I guess, we would probably want to take a week to find out the answer to your question.

Commissioner Mourdock: I think it would be worthwhile, just to make sure.

President Fanello: Then we could put this back on the agenda for Monday night.

Commissioner Mourdock: Yeah, that's fine.

President Fanello: To go ahead and give you the go ahead—

Will Fosse: Pardon me?

President Fanello: He's, we're going to take a week to get his question answered---

Will Fosse: Oh, okay.

President Fanello: --to make sure he's got all his question answered. I don't know, Kevin, if you need to review anymore documents or anything.

Kevin Winternheimer: No. (Inaudible. Mike not on.)

President Fanello: Then we can put this on the agenda for Monday, next Monday night to approve going forward with the bidding.

Commissioner Mourdock: I would formally move that we up that liability limit to \$5 million.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Will.

Will Fosse: Thank you.

Madelyn Grayson: May we make a tape change please?

President Fanello: yes.

**(Tape Changed)**

**Gary May: Count Us In**

President Fanello: Gary May.

Gary May: Good evening. My name is Gary May. I'm a resident of Warrick County, and the local coordinator for a project called Count Us In, which is a project funded by the Governor's Planning Council for People with Disabilities, who's purpose is to increase participation by people with disabilities in the voting process. You may recall that I appeared before this body on September 23<sup>rd</sup>, at which time I indicated some of our concerns, based on our survey of some of the polling locations during the May primary. Concerns about physical access at the particular polling places,

about location of polling places, and transportation, among other issues. Certainly a lingering issue about voting has to do with people who have visual or other impairments, who require some assistance to execute their ballot. Certainly our goal is for every citizen to have the right to vote, and to register a confidential ballot for the person of their choice. Subsequent, or at that meeting on the 23<sup>rd</sup>, I offered the person power of our group to work with the county to try to ensure that polling places are more nearly accessible than they have been in the past. In response to Mr. Mourdock's question, I agreed for our group to do some surveys, again, of polling places at the upcoming election. I was instructed to contact the Superintendent of Buildings for the county, and I did so. I contacted her, and exchanged some information, or sent some information her way. Subsequent to my, our meeting previously we've been invited by Ms. Abell, the Clerk, to participate in poll worker training coming up later this month over at the Centre. We will be involved with that, and participate in training poll workers about some of the common issues that they might encounter with voters with disabilities. I'm disappointed to report that our progress in getting physical access issues rectified, or at least even identified have not met with success. I'm not sure whether that's attributable to a miscommunication, or my misunderstanding of what I was to expect in that meeting with the Superintendent, or, and I hope this isn't the case, or it may reflect a lack of serious commitment to address the issues of what voters with disabilities. I know that we are on a very short time line for the upcoming election. There may be some relief that will be available for us all in the next general election in '04, but it seems to me that this is a wonderful opportunity with the election coming up in just a few weeks, for everybody to get better communication established, and for there to be more complete understanding about what some of the issues are. Because, quite frankly, some of the issues are not so readily apparent, and not so obvious to a person who hasn't had some of the experiences, or have the life that some of the members of our group has. So I'm here, in part, to reiterate our concerns, and to restate our willingness to work with the county, and the appropriate county officials to ensure that we've done our part to make, take advantage of this upcoming opportunity. Perhaps in preparation for better improvements that will be available in '04. So, that's really my reason for being here, and, again, I want you to know that this is a serious issue for us. As I pointed out last time, it's voting that connects citizens with their government. Anything that is done, even accidentally, that impinges upon that connection between citizens and their government, we think, is an egregious situation that needs to be addressed aggressively, in order for all citizens to have a voice. In addition, this evening, one of the members of our group has some specific questions and concerns about a changed location in a polling place. With your indulgence, I'll introduce Altha Schmitt, who wants to address that issue. (Inaudible. Away from mike.)

Commissioner Mourdock: Sure.

Gary May: They let me speak.

Altha Schmitt: The problem is, we live at Bradford Pointe. We've always had elections out there. Well, all of a sudden, they moved them to Hartke Pool. Well, there's no way that I'm going out there. I didn't go this spring. There is a lot of other people that lives in that complex that will not go, on account it's too far away. They have no transportation. Besides that, excuse me, they have steps. There is none over at Bradford Pointe. Now, I'm under the impression that the people that own that was charging for it. I heard that to begin with. Now, I've heard they did not

charge. Now, I would like to know what the problem is. If we can't vote there. That's not fair. Not right.

Commissioner Mosby: I guess, the question I would....is Marsha here?

Marsha Abell: I don't--

Commissioner Mosby: Would it be one that we combined? Would it be two precincts that we might have combined, and kept one polling place?

Marsha Abell: (Inaudible. Not at mike.)

Commissioner Mosby: What precinct was it? Do you know? Bradford Pointe would be first ward.

Marsha Abell: Do you have your voters registration card?

Altha Schmitt: Yeah, but it would take me forever to find it.

Madelyn Grayson: Marsha, will you please use one of the microphones.

Commissioner Mosby: That might be the only thing that I could think of, at this point, is that it might be where we took two precincts and made one out of it, and we used the one polling location, rather than the other. I mean, that would be the only thing I could think, at this time. I would have to look, because we cut the First Ward from what, 22 or 23 down to 17.

Commissioner Mourdock: Something like that, yeah. Yeah, we consolidated them.

Commissioner Mosby: We've consolidated some precincts, and cut out like six different places, or four or five different places.

Commissioner Mourdock: Did I understand it correctly, that the original precinct did not have steps in it, and this one now does?

Altha Schmitt: No, it still does not, but people will not drive that far to it.

Commissioner Mourdock: Okay.

Altha Schmitt: To Bradford Pointe.

Commissioner Mourdock: Just to add a little bit to what David was saying, we reduced the number of total precincts from 167 down to 142. Part of the reason for doing that is because some of our precincts just needed to be better consolidated, and also we're going to have to buy a bunch of new voting machines in the near future, and that means there's 25 less machines that we'll have to buy. As far as the site itself, I think, David, again, is correct, I think, that may be one that we consolidated. Coming to Gary's point of a moment ago, and, again, Gary, you said it very well. To give you a little more optimism, perhaps, you mentioned 2004, on a couple of occasions, I would hope whatever your group can help identify for us as problems on November 5<sup>th</sup>, we can deal with in 2003. Certainly we don't have to wait for the city elections, I mean, those things can be rectified if you find the problems immediately.

Gary May: Yeah, well, it seems to me that that's contingent upon a dialogue.

Commissioner Mourdock: That's right.

Gary May: That hasn't happened yet, as far as I'm concerned. It's been my coming here now twice representing our concerns. I think we need to know who we need to talk to, and what we can expect as far as cooperation, or collaboration with the county.

Commissioner Mourdock: Yeah. The people you need to talk to are, basically, the three people in these chairs, and, obviously, I won't be in this chair after January, and the person who is the County Clerk after January 1<sup>st</sup>, because it probably won't be Marsha. We do need input from you, however, to help us, if you know of specific problems, or you hear of specific problems on November 5<sup>th</sup>, to let us know. That is the most important part of the dialogue.

Gary May: I think the issue that Ms. Schmitt raised is one example of what I was referring to earlier about something that isn't readily apparent, perhaps. You know, certainly, we don't resist, and don't want to be oppositional about any streamlining, or efficiencies in the operation of county government, but decisions about collapsing precincts, or changing locations have pretty important implications for a lot of people who's interests we have in mind, when it comes to voting. During the time of the May primary, for example, regardless of the reason for the decision to consolidate or move the precinct from the accessible community room at Bradford Pointe, which is, by the way, where our group meets on a regular basis, and it is fully accessible, but the decision to move that took the voters then in the midst of construction. The major construction at Swonder, or adjacent to Swonder, I mean, to Hartke, for the Swonder Ice Rink. We had one member of our group who had one very difficult time traversing the unpaved parking lot in his wheelchair to get in to where he was supposed to go vote. So, it's those kinds of things that may not meet, or come to the attention, really, of somebody who isn't, who really conversant with the issues that a little bit of dialogue could do a lot of prevention, as far as anguish and concern.

Commissioner Mourdock: Yeah, and on our behalf, let me just say that when we did have those discussions about consolidating the precincts, it was long before the primary, it was back in February and March, because of the way the process worked. I understand most people aren't thinking about elections, at that point, but your point, nonetheless, is well made. We do need that dialogue. It's unfortunate that we didn't get more feedback from the community as a whole, because I don't think we had but two people from the entire community come in and even have any interest in that subject when we were doing it, unfortunately. I would hope that after this election, and I mean the Tuesday following the election, that you and whomever that would care to report to us on specific problems, that you bring them to us, that you let us know. Marsha, if you, after the election receive some written correspondence, please pass them on to the Commissioners. I know, occasionally, that does happen.

Gary May: Again, I agreed to do that on behalf of our group, at the September 23<sup>rd</sup> meeting, and we will.

Commissioner Mosby: You can tell, you can tell any part of your group, all they have to do is file a complaint with the inspector. That inspector can pass that word on to the Clerk, and the Clerk can bring it to us.

Commissioner Mourdock: And that—

Commissioner Mosby: So, if they go into a polling place, and the driveway is that bad, or the parking lot's that bad, then just have them say something to the inspector.

Gary May: I'm not sure how widely known that relief is.

Commissioner Mourdock: Yeah, maybe we could have something put up at the polling places this year, just a small banner in front of it, if you have comments about the suitability of this polling place, please let the County Commission know, or put the website address on it or something.

Marsha Abell: I'm putting the form together for the inspector to have at the polling places with them. If someone comes in and says they have a complaint—

Commissioner Mourdock: Very good.

Marsha Abell: —they can hand it to them, fill it out.

Commissioner Mosby: That's where it should be handled right then.

Commissioner Mourdock: But, I think Gary's point is correct, most people don't realize who to even complain to.

Marsha Abell: We can do some kind of a notice.

Commissioner Mourdock: That's good.

Commissioner Mosby: Well, if he makes his group aware, I mean, that's why I'm telling you this now. If you make them aware over the next two or three weeks, they have the right to go in and file a complaint with the inspector.

Gary May: Am I hearing then that short of alerting people to a due process issue, that there really isn't any plan for anything prior to the next election?

Commissioner Mourdock: November 5<sup>th</sup>?

Gary May: Yeah, November 5<sup>th</sup>.

President Fanello: Coming up November 5<sup>th</sup>?

Gary May: Any kind of corrections?

Commissioner Mosby: Corrections to what? I mean—

Gary May: To access problems. We surveyed, Don Counts in our group visited seven Vanderburgh County precincts, seven or nine, during the May primary, and it was the result of his surveys that I faxed over to the Superintendent's office that

indicated some of the access problems that are known to exist in just a very limited number of precincts.

Commissioner Mourdock: When was that faxed over? Just recently?

Gary May: The 24<sup>th</sup> of September.

Commissioner Mourdock: Okay.

President Fanello: I think, did you meet with Marsha and Tony and Connie? You all have been talking about that, as I understand.

Commissioner Mosby: Did they go out and check them?

Altha Schmitt: (Inaudible. Not at mike.) transportation. (Inaudible.)

Commissioner Mosby: Well, Tony, I mean, if Tony and Connie got the complaints, why didn't they check them?

Marsha Abell: I can't answer for them. I don't know.

Altha Schmitt: (Inaudible. Not at mike.)

Marsha Abell: Let me make a suggestion for Bradford Pointe. Isn't that where the lady lives who's too large, her wheelchair is too large to get into the—

Altha Schmitt: Yes.

Marsha Abell: —we have an Election Board meeting October 21<sup>st</sup>, why don't I bring up to the Election Board that we set up absentee balloting with the bipartisan team at Bradford Pointe the Friday before election day on Tuesday. Anybody who lives at Bradford Pointe that wants to vote absentee can do so at that time. Does that sound like a reasonable solution to you all? No?

Altha Schmitt: (Inaudible. Not at mike.) wheelchair off.

Commissioner Mosby: What's the difference in voting absentee or going to the polls? I mean, they bring the machine out, and you—

Gary May: It's the expression of a fundamental right of citizenship, and we object to special treatment that has the effect of segregating us, or treating us as special people, when compared to the way other people in this county vote.

Commissioner Mosby: I mean, we do it at high rises and everywhere else. I mean—

Gary May: To say that it's done for other populations, though, doesn't mean that it's acceptable for us. One of the projects, one of the implications of Count Us In is for full community participation, and inclusion by people with disabilities. It really doesn't make sense to say we welcome people with disabilities in our community, although we really aren't saying that with a unified voice in this community, but to say that, and then to say you have to go to this special place, or there have to be these special arrangements made in order for you to vote. We should have the opportunity to vote in precincts, on election day, just like everybody else does.

Commissioner Mosby: Why can't she vote in the precinct then? I mean—

Altha Schmitt: How is she going to get there?

Gary May: Part of the problem with this one individual has to do with transportation. Where she is in a very large, power driven wheelchair that METS is still, I think, trying to decide whether they can haul in one of their vehicles.

Commissioner Mosby: Okay, and I understand what you're saying about being counted in, and I understand that part of it, and then you say you want to be like everybody else, but, I mean, if we have this problem over and over and over, I mean, we can't set up a polling place at every high rise, you know, nursing home, you know, retirement home, or whatever.

Gary May: Nor is that what we're seeking. We're seeking that the routine precinct locations be 100% accessible. If we can make it to those precinct locations, we'll come and vote. During the May primary, as I said, there were problems that had to do with the construction that was underway at Swonder at that time—

Commissioner Mosby: I thought with Hartke Pool being a municipal building, it would be accessible.

Gary May: Then the other issue had to do with the transportation for some of the Bradford Pointe residents.

Commissioner Mourdock: I think Gary's point is it normally would be accessible, but because the construction was going on at the time, there was large gravel in the parking lot that made it inaccessible to wheelchairs.

Gary May: Yeah, and that's assuming that that decision was already made. Again, one of my earlier points is that if other factors are considered when precincts are consolidated, then we may not make the decision, or you may not make the decision to relocate a precinct to Hartke, a non-residential location, especially when it's at the expense of a residential location that is fully accessible.

Marsha Abell: Would you like, would the Commissioners like for Tammy and I to take a look at Bradford Pointe and Hartke Pool and see if there's, if they are in the same district, and the same, if everything's equal, we could move it back to Bradford Pointe? Even if they charged, do you want us to take a look at that?

Madelyn Grayson: We've already advertised.

Commissioner Mourdock: Yeah, I don't think.

Madelyn Grayson: It appears this Friday. The polling places ad.

Altha Schmitt: Well they said they wasn't charging. One says one thing, and then another one says something else. Now, who do you believe?

President Fanello: What is the advertising rule?

Marsha Abell: According to the state, you, the Commissioners, can change the polling location ten days prior to the election for any reason. You have the authority to change it ten days prior to, as long as you give proper notice in the newspaper.

Commissioner Mourdock: What's considered proper notice? I mean, does the notice have to run so many days?

Marsha Abell: It has to be consistent with what the rule is now. I don't know, how many days do you have to run it now?

Kevin Winternheimer: I think it's just one. I believe, but I would have to check, but I think it's just one.

Madelyn Grayson: The ad will appear this Friday. So, I don't know, if you're going to do that, if you want me to try to pull that ad this Friday, so it's not confusing, if you're going to make that change.

Commissioner Mosby: When is your board meeting?

Marsha Abell: October 21<sup>st</sup>.

President Fanello: The 21<sup>st</sup>. That's next Monday.

Commissioner Mosby: That would still give us ten days.

Kevin Winternheimer: Yeah.

Marsha Abell: You're still ten days out.

Kevin Winternheimer: Isn't the construction mostly done at Hartke?

Commissioner Mosby: Yeah, the construction is pretty well done. That's why I'm saying that should all be paved. It's a municipal building, it should be handicap accessible. That's my only thought, I mean—

Altha Schmitt: Is someone going to come out there and pick me up?

Commissioner Mosby: Well, that's what I was saying a while ago, I mean, I don't see how we could, you know, ensure everybody throughout the community that we could have somebody, you know, that could pick you up. We can't make every place in the community a voting place.

Altha Schmitt: They used to.

Commissioner Mosby: He just said you wanted to be...well, he said you wanted to be counted in like everybody else. I mean, we just offered to set up an absentee machine, which is a regular voting machine, with nobody watching you, and you walk in and vote on Friday, just like you would on Tuesday, but he said he's against that.

Gary May: I think that's a short stop gap solution for the reasons that I've already mentioned.

Commissioner Mosby: I mean, it's a solution to the problem right now, until we can solve the problem.

Gary May: Again, a broader issue for me is a concern about a willingness, quite frankly, to solve the problem.

Commissioner Mosby: (Inaudible. Talking over each other) is to vote this time. That's my concern.

Gary May: Yeah.

Commissioner Mosby: I'm not looking long term right now, I'm making sure that she gets—

Gary May: And I think that's, well, I'll hold my comment about that.

President Fanello: I guess, the way I saw this happening when you were here on the 23<sup>rd</sup>, is you working with Tammy, for us to identify the concerns, so that we could try and take care of these concerns by the next primary. Because with the time frame that we have, there is no way, I don't think, that we are going to be able to take care of every single concern in three, four weeks. It would be impossible for us to do that, and have enough time to advertise the polling places.

Gary May: But there isn't a process under way, it seems to me, that's going to take care of any of the concerns.

President Fanello: Well, I thought that's what we decided on at the—

Commissioner Mourdock: Yeah, let me deal with the immediate, and then the longer term for just a second. As far as the immediate, near term, Tammy, would you find out tomorrow whether or not there is any construction that would be still presenting the problem in the parking lot at Hartke? If there is, and if we have the time through the advertising, it would, we could go ahead and set up something in place to move it back. I don't have a problem with that. My hunch is, like David, I suspect that parking lot is now paved. That would be the near term for this one. For the longer term, and I think the most important point, you've made the case very well, and I suspect next year when this process begins again in February, the people on this board, and especially Tammy at the end and Marsha from the Clerk's office will put together some sort of team, and make sure that your group has got representation on that team before those first list of tentative polls come to us. Then I would suggest that there be an inspection of all those polling places by that team member, or by that team to make sure that all those sites are, in fact, accessible. That would be an on-going process.

President Fanello: Actually, I had talked to Tammy and Patty in our office about right after the election, excuse me, identifying what the concerns are, and putting that small group together by December to even be working on it in plenty enough time for the primary, because that time comes around very quickly.

Commissioner Mourdock: Right.

President Fanello: So, that was kind of our thoughts, but, I guess, I thought the first step of that was the communication between you and Tammy over the past few weeks.

Commissioner Mourdock: One other thing we need to make sure we do, and, I think, the Hartke example is a good one in this sense, when we do that, the bit of paperwork, if you will, beforehand to find out who is willing to allow us to use their space for a polling place, we need to make sure from them that they declare to us whether or not there is going to be any construction in place that might somehow affect ADA accessibility at the time of the election. So, when we put that contract together with those places, that needs to be part of that contract, to make sure that accessibility is there.

Marsha Abell: Could I ask that we not publish this Friday?

President Fanello: We can hold.

Marsha Abell: Let's hold off on publishing this Friday. Tomorrow I will get a hold of Tammy, we'll sit down and look at any option we can make for this immediate problem. You know, we can still address this next Monday night, here at your meeting, tell you what we come up with, and let you all know what we come with for this immediate problem. I wasn't prepared with this immediate problem. I didn't know, but we'll address it, and come up with this one problem's decision, and then we can publish after that. That gives us next Monday's Election Board meeting also to address it.

Altha Schmitt: There's a man next door to (Inaudible. Not at mike.)--

Madelyn Grayson: Can you give Ms. Schmitt the microphone please?

Altha Schmitt: There's a man (Inaudible. Mike not on.)

Madelyn Grayson: It's not turned on, Ms. Schmitt. There's a little button on there. I'm sorry.

Altha Schmitt: There's a man that lives next door to Anna that it's impossible for him to get on that bus. Of course, he has a van of his own that he can get on, and go vote, but whether he does, I don't know.

Marsha Abell: Well, we'll look, you know, if Bradford Pointe and Hartke Pool are in the same geographical area, and we have no problems with it, regardless of price, we don't care about that, we'll look at it, and see if we can make a change.

Commissioner Mourdock: I'm comfortable in doing that, and Suzanne just reminded me, if, in fact, any of these polling places change, we need to notify all the people in that precinct who otherwise were one place on primary day, and now they would be going somewhere else.

Marsha Abell: We'll run new voter registration cards for that area.

Commissioner Mourdock: Right.

Gary May: Don Counts did the surveys for the Vanderburgh County polling places.

Don Counts: Hello, I'm Don Counts. You may wonder how or why I got involved. I have a daughter that has a disability. She's 15, and I want to ensure that she'll be able to participate in the voting process when she becomes of age. That I had just finished a course with the Governor's Council on Disabilities, and we've been working closely with them, and the Count Us In project. On election day, I surveyed nine different precincts, and I was, most of them were pretty good, there was like maybe one or two items that could easily be fixed. That's one of the things that I was impressed with this body, where that you are going to let us start inspecting all of those. The worst one though was Stringtown Library. As you go into the poll, that there is a spot, maybe 3' square, and you go down the steps, and it's a winding staircase. I really don't know why anyone would have picked that poll, as a poll, because it in all precincts, not only just the few people that are, we don't know how many people have disabilities, but you've got other people that say are normal working people that have other aches and pains that makes it difficult to go up and down stairs. So, and I'm one of the volunteers that's going to be helping Marsha to train the poll workers. Be glad to work with all of ya.

President Fanello: We want your assistance.

Don Counts: Oh, and by the way, I would like to thank President Fanello where that she had taken the time to write me a letter on this project.

President Fanello: You're welcome.

Madelyn Grayson: Would the Commissioners please make a motion directing me to pull the ad this Friday?

Commissioner Mosby: I'll make a motion that you pull the ad, and hold the advertising.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: CYA.

President Fanello: Is there any other questions, at this time? Yeah, do you want to fill us in on that? Or Tammy, fill us in on that situation.

Marsha Abell: One of the things that we, in the comments from the group that is that the writing is awfully small for some people. We cannot change the font, because it would change the location on the ballot for candidates. However, what we are doing, and Ms. Fanello is aware of this, because it was actually at her suggestion, Tammy and Patty are looking into stand up type magnifying glasses that we will use. In fact, I think, we're probably going to be ordering 140 of those for each precinct.

President Fanello: Okay. Are there any other questions right now? Comments? Alright. Thank you very much for your comments.

**Debbie Masterson & Keith Hess  
Vacation of Right-of-Way**

President Fanello: Next item is Debbie Masterson and Keith Hess, vacate right-of-way.

Debbie Masterson: Hi, my name is Debbie Masterson, and I'm representing Keith Hess and the petitioners in regard to a Crane addition, a vacation for a right-of-way in Crane addition.

President Fanello: Questions, comments? Any questions or comments from the audience?

Debbie Masterson: They would just like to close that in regard to better utilize their property.

Commissioner Mourdock: Okay, and, again, just for the record, no one else is here to speak on the request to vacate this right-of-way. Seeing none, we did advertise this previously, I believe. So, I would move on final the approval of the vacation of the right-of-way as requested.

Commissioner Mosby: Second.

President Fanello: So ordered.

Debbie Masterson: Thank you.

President Fanello: Thank you.

**MBE/WBE Utilization Board Appointment:  
Donna Hagedorn**

President Fanello: Okay, next item, we still have one appointment left to the Minority and Women Business Utilization Board. I do have a recommendation for that, and that recommendation is Donna Hagedorn. I would like to make a motion to appoint her.

Commissioner Mosby: Are you going to make the motion?

President Fanello: Well, if I can make the motion.

Commissioner Mosby: Or I'll second it, or make the motion, one of the two.

President Fanello: Motion to nominate Donna Hagedorn.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board? Seeing none, we'll move on to Old Business.

**Old Business**

President Fanello: Is there any Old Business?

Commissioner Mosby: I would like to bring up the fact that...I spoke with the environmental consultant this week, and upon the advice of him, not that they've found anything yet, and they're out there working, but what he would like to do is possibly look at doing a second phase with the property being as close as it is to the 66 acres. He said the only thing he's worried about would be the possibility of run off. He thinks that we ought to do a second phase along the edge to check the property, just to ensure ourselves on a \$35 million project that we don't have problem. I would like to make a motion that we would allocate up to \$18,000 to do a second phase on that project.

Commissioner Mourdock: I don't know that I'm in disagreement of doing a phase two, and that sounds like what you're asking for? Is it a phase two?

Commissioner Mosby: Phase two environmental.

Commissioner Mourdock: Have we heard anything back from the people that CSX is using in the environmental services?

Commissioner Mosby: No. I was going to try to contact them today, and didn't get a chance, but the last conversation I had with them was approximately seven to ten days ago, and they said as soon as they got it, they would be willing to send it to us right away. That's the last I've heard.

Commissioner Mourdock: Okay. Well, you know my comments and feelings about the buyer doing the environmental work. I think that's not the way, certainly, it's not the way it's routinely and customarily done. So, I'll watch the two of you act on this one, and then I'll wait with great anxiety to see what the CSX people come back with. I would hope that with the contingency clauses that we have in the contract, that we executed last week, and I presume it's been sent to them, that we use this as something that we at least get that cash back when the time comes.

President Fanello: And I would probably, normally agree with you, Richard, about the buyer not paying the fees, but since we wanted to buy the property from CSX, it's not, necessarily, that they wanted to sell the property to us. I think we're in a kind of a different situation here. So, I'm going to go ahead and second your motion, and say so ordered. Any other Old Business that you have?

Commissioner Mourdock: Before we pursue that, or before we leave that, was there anything in specifics that you recall, David, he was talking about?

Commissioner Mosby: No, he just mentioned it. He said, you know, it would be my advice that you would look at doing a second phase, or phase two. I guess, whatever is on their property, I don't think the city has ever released.

Commissioner Mourdock: Okay, well, let me throw this at you here, and I'm not trying to be obstructive, but I'm trying to save us money. Before we act to do that, or before we give the company, was it EM, I always get it confused, EMC, before we direct them to do that, why don't we wait to see what the people with the sellers side do? Because Rick made that recommendation, I'm sure, because, or Mr. Reising, as a professional. He's concerned, with good, professional reasons about what would be there. It would seem to me that any reasonable professional would do that, and, certainly, whoever the environmental company is that's doing the work for CSX, I would expect them to make that same recommendation to CSX.

Commissioner Mosby: I could answer that real quickly, because the geo-tech people are out there, and they've got two rigs set up, and it's going to be cheaper if they work in conjunction with them.

Commissioner Mourdock: Who works in conjunction with whom?

Commissioner Mosby: The environmental. They said if they can go out there while they're out there drilling.

Commissioner Mourdock: But this, okay, you're not talking our environmental people working with their environmental people. You're talking about our environmental people working with our geo-technical people?

Commissioner Mosby: Right, and they're out there and got two rigs set up. He said if we can do it this week, while they're out there—

Commissioner Mourdock: I understand, they're going to place some wells, and that does make some sense.

Commissioner Mosby: He said otherwise you're going to pay me to hire them to come back out there and set up.

Commissioner Mourdock: Well, I would rather we have CSX pay to hire them anyway, so. Well, I've made my point, and we'll probably have this discussion later.

Commissioner Mosby: I just wanted to answer your question.

Commissioner Mourdock: I understand. I just want my questions on the record here.

President Fanello: I already seconded your motion. So ordered. So, is there any other Old Business at this time?

<b>New Business</b>
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President Fanello: New Business. New Business?

Commissioner Mosby: Yeah, I've got something I want to bring up. Kevin, I think this is more of a question for you. It was passed on to me that Cheryl Musgrave is holding a scheduled meeting for October 15<sup>th</sup> at 9:00 a.m. in Room 303, with the Nexus Group. Now, we have not signed any contracts with the Nexus Group, and, I mean, I'm aware of this, and I think the Council passed \$124,000 to bring them on

board. But, with us not having a contract, how can we have these people in here, and start working? I mean, here's a whole list of what they are going to go through.

Kevin Winternheimer: To be quite frank, I don't know who the Nexus people are, or what they do. I assume it's something to do with the reassessment?

Commissioner Mosby: Yeah, it's to do with reassessment. But, we've never seen—

Kevin Winternheimer: I don't know anything about this.

Commissioner Mosby: We've never seen a contract, and she's never brought us a contract, but all the Township Assessors were made aware that she's having a meeting tomorrow, and the Nexus Group is going to be here.

President Fanello: Just for information, Tammy and Patty both have repeatedly called the Assessor's office to try and get that contract up here. I know Cheryl went to the Council meeting, and, I think, she got approved \$124,000 for this contract. Then she was supposed to bring us a contract for our approval. So, we've asked for the contract, but haven't got it. I was a little disturbed, like David, to learn that we're going to have somebody in here tomorrow who says that their start date is October 15<sup>th</sup>, and we don't have any kind of written contract in place to even know what their deliverables are, or to hold them accountable for anything, so.

Commissioner Mosby: I mean, truthfully, I don't know what Cheryl did in the line of an RFP, or what. There is other people out there that's willing to bid on this, and I'm willing to accept. Because I'm not sure that we have to pay \$124,000. I mean, I believe we might be able to negotiate this like we did the jail project. We might get a better price.

President Fanello: So, I guess, I mean, how do we want to proceed?

Kevin Winternheimer: All I can say is that I will look into it and report back to you.

President Fanello: Okay.

Kevin Winternheimer: I know nothing about that.

Troy Tornatta: Troy Tornatta, County Council. I'm sorry.

Commissioner Mosby: I guess, my one question is, if we don't have a signed contract, and it's obvious this body did not sign a contract, can she bring somebody on board?

Kevin Winternheimer: Um—

Commissioner Mosby: I mean, I'm not going to vote to pay them, but—

Kevin Winternheimer: Right. My initial reaction is all contracts need to come in front of this body. I would have to check and see if there is something special along this line. I haven't done that, but I would gladly do that, and report back to you on whether or not she can do that.

Troy Tornatta: Actually, this would be on the reassessment. If reassessment is any different. I sent a fax to the Commissioners office, and hoped everyone got it, but it was from the vendor that we have now, ProVal/Manatron, and they feel totally confident that they can get this procedure out of data that we've collected already. They can get this procedure done in a timely and effective manner, and at a cost savings to the county. Their bid was, the way I looked at it was considerably lower, and they gave somewhat of an outline on what services they would provide, and then the type of money that would be involved. So, I think that that is, that is something that is eligible under the reassessment plan for 2003, and I think that the other part is, no one has addressed to us how the Assessors are going to have the information once this reassessment's been done, and once the equalization's been done. They have left it, pretty much, wide open. They have not said that we're going to have those numbers, and we're going to be able to incorporate those into daily business, and then go into reassessment 2006 with these numbers, or the know how on how to come up with the numbers.

President Fanello: And, I mean, just to even, does it matter what fund it's really coming out of? I mean, the Commissioners did pass a purchasing policy that this whole county is supposed to follow in regards to written contracts. If it's a service over \$1,500, it's supposed to be in written form, so.

Troy Tornatta: Well, I had a meeting, and Commissioner Mourdock sat in on the meeting, and we addressed a lot of the, a lot of the issues that the Assessors have, but, I think, that we have competent Assessors to be able to do the, get everything set up equalization wise for the County Assessor, and then I think that's her job to get that job done. We should not have to pay anybody else. We already give the Assessors so much for being a Level II, and going to classes and learning different situations. She's been to equalization class. If she needs a refresher, that's fine, but I don't, I really don't believe that anybody should do this besides our Assessor. So, that's my view.

President Fanello: I really don't know enough, I'm sorry.

Commissioner Mosby: No, that's just what concerned me.

President Fanello: Uh-huh. I really don't know enough about it, but Mrs. Musgrave was invited to be here tonight, but she had a prior commitment.

Commissioner Mosby: I just ask that Kevin report back to us, and I just wanted it a part of the record.

President Fanello: In conjunction with that, when I was looking at the payables, there was bill in here for the Nexus group, and if it's in relation to this project, I would like it pulled out until we know what's going on. I mean, if we don't have a contract, I don't know why we're paying them a fee yet.

Commissioner Mosby: Then my question would be to the Auditor, do they do any other work for us?

President Fanello: Yeah, I mean, does anybody else use them in the county?

Suzanne Crouch: I don't know that without researching it. I would suggest, like you suggested, you pull it, and I'll research it, and get that information to you.

President Fanello: Okay.

Commissioner Mosby: Would you know it by the account number?

President Fanello: I've got it marked. Yeah, no, it's the Assessor's account number. It's a training, it's their Disclosure Fees Account number.

Commissioner Mosby: Then I would make a motion that we pull that claim.

Commissioner Mourdock: I'll second.

President Fanello: So ordered. Anybody else have any New Business? I've got a couple of things. Ken McWilliams is here, and he is interested in hosting a blood drive, and I'll just let you go ahead and talk about that, Ken, and tell us what you want to do.

Ken McWilliams: Thanks. My name is Ken McWilliams. I'm employed by the Vanderburgh County Treasurer, and I have been in contact with the American Red Cross about the possibility of hosting a blood drive for county employees. I spoke to David Rector a couple of days ago about the possibility of finding a space that would be large enough, and would be appropriate, and he said that it would be no problem to find a space over at the Centre, where we could host a blood drive for the county employees. My purpose for coming here this evening was to seek the approval of the County Commissioners for a blood drive. We're hoping to have, because, especially around the holiday season, when there is a critical low supply of blood, in case there was some kind of natural disaster of some sort, or any emergency with the low blood supply, and, again, my purpose for coming here this evening was to seek your approval to have a blood drive somewhere. We don't have a specific date. The first thing that we have to do is survey county employees to see how many we could get. Then go about setting a date at a future time.

Commissioner Mosby: I would just, and I will support that no problem, and I just say get with Sandie Aarons over at the Centre, and see what you can work out in the line of a location or area. Then if you want to feel free to contact the County Garage Superintendent, Burdette, and if they want to send their people, then that's not a problem.

Ken McWilliams: Thank you very much.

Commissioner Mosby: I'll make a motion that—

Commissioner Mourdock: And I'll second.

President Fanello: So ordered.

Commissioner Mourdock: Let's give nominees for two or three quarts.

Ken McWilliams: We'll see you there.

President Fanello: The other thing that I wanted to bring up, it's probably really Old Business not New Business, but I had received the information from the Auditor's office, and thank you for the information, Suzanne, but I was a little confused because of our conversation the night that I had asked the question about getting

information, and then I was a little stunned that it became available that following Wednesday. So, I'm not exactly sure what took place. Maybe you can kind of explain what kind of calculations we're looking at here.

Commissioner Mourdock: What's the topic?

President Fanello: Oh, the TIF, I'm sorry.

Commissioner Mourdock: Okay.

Suzanne Crouch: I'm sorry, I didn't understand your question.

President Fanello: That Monday night, it's probably been about two weeks ago, I had asked you about the TIF information, and then you said that the calculations weren't available, and that we, I think you said the Redevelopment Commission was looking into hiring somebody, or whatever, and then two days later at the Council meeting we have all these calculations. So, I'm not sure what changed between Monday and Wednesday that we got all these calculations after you weren't even sure that you could get them.

Suzanne Crouch: Well, you had asked that we go ahead and figure out how much TIF for each area. You know, we did contact Umbaugh, and they provided that for this. The Redevelopment Commission, and as I'd indicated, we'd been in contact with Mr. Osborne, and, in fact, had traded phone calls last week, several of them. Have not spoken back with him to see where they are on that process, because the Redevelopment Commission is the one that is charged with actually determining that amount of money.

President Fanello: Well, I guess, I mean, I know they've made some calculations here about the replacement levy, I guess, what it would be with or without the replacement levy, and from your earlier conversation you had said that that formula wasn't available. So, what, I guess, how are they making the estimate?

Suzanne Crouch: Well, I was referencing a conversation that we had had back, or I had had back with them when this first came up, I think in July, when we had at, in that point in time, the calculation wasn't available. In talking with Umbaugh, they had indicated that they still are working on the actual form that it is to be submitted on. So, that they expected to have that completed this month.

President Fanello: Well, I mean, you could probably understand that I was a little stunned when I got the information after I had asked for it that Monday night, and I was a little stunned that it became available on Wednesday. You could probably imagine that I wasn't—

Suzanne Crouch: I was just happy to provide it.

President Fanello: You had just said that you couldn't provide it for me, so I was a little stunned, so.

Commissioner Mosby: So, are these calculations right? I mean—

Suzanne Crouch: I would presume they are. Umbaugh prepared them. They did create the original Burkhardt TIF district. I have to assume they are correct. They're the one's that prepared them.

Commissioner Mosby: I mean, in the minutes it said they didn't even have from the Tax Commissioners anything to figure off of.

Suzanne Crouch: I was referencing that to—

Commissioner Mosby: I mean, this is—

Suzanne Crouch: Yes, to a previous conversation.

Commissioner Mosby: —less than 48 hours later all of a sudden we've got all this, and the calculations are in, and the numbers are right.

Suzanne Crouch: I'm happy to be able to provide that for you.

Commissioner Mosby: I mean, that's, I guess, that's what I'm wondering. I mean, I'm just wondering how all of a sudden we got a formula, you know, and all these calculations in less than 48 hours?

Suzanne Crouch: We asked, and they provided it. I was referencing information from a couple months before.

Commissioner Mosby: So, we had been asking for two or three weeks, and they weren't available? That's what I'm wondering.

Suzanne Crouch: I don't think that's the case, but I am happy to provide that information.

Commissioner Mosby: I think if you would go back to the minutes you could see where it had been brought up several times, the TIF district.

President Fanello: The only thing that makes me uncomfortable it just seems that every time, you know, I ask for information, or David asks for information, it winds up in the Council meeting, but we get a different answer in the Commissioner meeting, and I would really appreciate cooperation from all the offices in making sure information is available for everyone.

Suzanne Crouch: And I'm happy to provide that.

President Fanello: Any other New Business? Okay. Department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First I would like to request approval to go to County Council to transfer \$77,000 from the Old Henderson Road Bridge Account, which is account number 2030-4406, and \$23,000 from the Heppler Road Bridge Account, which is 2030-4405 to the Cumulative Bridge Contractual Account. This would be for culvert projects on Graff Road and on Number Six School Road. On Graff Road this would

be a project to put a new culvert underneath the road to accommodate some flows that are coming from a lake about half way between Bayou Creek and Nurrenbern Road. On Number Six School Road we're looking at putting a plastic slip liner inside an existing culvert out there as well.

Commissioner Mourdock: I'll approve the Council call. I'm sorry, I'll move the Council call, sorry.

Commissioner Mosby: I'll second for him to go to Council and transfer.

President Fanello: So ordered.

John Stoll: Second I have a storm sewer request, acceptance request for storm sewers located outside of the street rights-of-way in Stonecrest Subdivision. This is for Sections One through Four. In Section One we had a total of \$1,754 in fees paid at the \$2 a foot fee. Then in Sections Two, Three, and Four the combined total was \$1,494. The developer has paid those fees in, so it's requested these be accepted for maintenance.

Commissioner Mosby: I'll make a motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Last, I would like to request a time extension, again, on the Heppler Road Bridge. This would be until October 25<sup>th</sup>. Here again it's been due to the fact that the project was flooded out, again, due to the rains.

Commissioner Mosby: Motion, make a motion.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

Commissioner Mosby: No, thank you.

Commissioner Mourdock: John, one that kind of between you and Dennis, if you would take a look. Yesterday during the great pumpkin metric, I noticed on Baseline Road, just before it makes that swing south, there's a jog where it, about a 1/4 of a mile long, I suppose, where it swings south, and then goes back to the west, just east of the jog, oh, probably 200 yards, 300 yards, there's a box culvert, and it's starting to fall in right into the end of the pavement. It's something we're going to need to deal with.

John Stoll: Okay. We'll check it out.

President Fanello: Thank you, John.

Commissioner Mosby: I just want to say, when she gets done I want to come back to New Business after we go through department head reports. I thought of something that I forgot.

President Fanello: Okay.

**County Highway**

President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. We're putting together a schedule right now for paving for 2003. If you have some input in that, if you could give me a call, we would appreciate it. The only other thing I have is you have my report. Do you have any questions?

President Fanello: Did you get your transfers in for the...okay.

Dennis Hudnall: Everything went fine.

President Fanello: I didn't know if you knew tomorrow was the deadline or not.

Dennis Hudnall: Yes.

Commissioner Mourdock: Just so you know, Dennis, usually in late February or early March there is one meeting that's publically advertised as the county road maintenance, so the types of things you just mentioned, as far as a paving list, that's something you need to work on to get it ready to advertise for that meeting.

Dennis Hudnall: Sounds good.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Thank you.

Commissioner Mosby: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winterheimer: Yes, I just have a couple of matters. First is informational. We had the first meeting of the Minority Women Utilization Board last week. It was primarily an organizational type meeting. If memory serves me correct, they're going to meet at 11:00 on the second Thursday of every month, and the public is invited. The second item I have is a request to have an Executive Session, if you can next week. There is no urgency, but in the coming weeks, but my suggestion is next week. It would have to be a matter that the Sheriff can attend. It involves an old Sheriff case that's coming up for trial later this year. I didn't know if you had time. Also, I think, there's some condemnation cases where there are some offers that we need to discuss. So, if you all have time next week at 5:00.

President Fanello: I don't think we have anything else next week.

Commissioner Mourdock: Does that work for the Sheriff?

Kevin Winternheimer: Can you be here at 5:00 next Monday?

Brad Ellsworth: (Inaudible. Not at mike.)

Kevin Winternheimer: Okay.

Commissioner Mourdock: I'll move the advertising, then of an Executive Session at 5:00 next Monday.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Thank you, Kevin.

### **Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have a contract that I forgot to bring last week. It's for the haunted house at the Courthouse. Kevin drew up the contract. The owner of the haunted house has already signed it, so I just need it to be signed by the board.

President Fanello: And you said it had insurance with it and everything.

Tammy McKinney: Yep. We have already been paid for it.

Commissioner Mourdock: In that case, I guess, we'll accept.

Tammy McKinney: Minor details.

Commissioner Mourdock: I'll move approval.

Commissioner Mosby: Motion, second.

President Fanello: So ordered.

### **Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I'd noticed that Mike Duckworth was not here tonight for the Corradino thing.

President Fanello: He'll be here next Monday. It was postponed for one week.

Steve Craig: Okay, and what I was proposing to the County Commissioners if they had any questions that they would want to talk to me on phase one.

President Fanello: Okay.

Steve Craig: I had wanted to maybe get in contact with you—

President Fanello: Okay.

Steve Craig: —just, maybe to explain some of the stuff, or at least go over some of the stuff that they had in phase one before Mike did give his presentation, so.

President Fanello: I do just have a couple small questions, but I can get with you later this week.

Steve Craig: Okay.

President Fanello: Anybody else? Okay.

Steve Craig: And I've got my work reports.

President Fanello: Alright. Thank you, Steve.

Steve Craig: Thank you.

**Soil and Water Conservation District**

President Fanello: Soil and Water.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. In addition to our normal report that we'd sent in, I was going to keep you guys informed of activities we had going. We presently have got 17 Rule Five sites that we're working with. Those are the one's that are five or more acres disturbed. Since January 1<sup>st</sup> of this year, we've worked with 34 local ordinance issues. Not necessarily violations, but issues. I think you've probably been kept informed of some issues going out on the west side with Schmadel Lake, or University Shopping Center. I've got some pictures here that I wanted to show you, maybe sort of give you a better idea of what we're trying to accomplish out there. It involves a developer draining a piece of property, in which there is about a 2 ½ acre lake on. It's a very shallow lake. The lake has a very, very large watershed, in excess of 200 acres. We are going through what rules we have the ability to do under IDNR Rule Five. We've met with the parties numerous times. I think we've tried to get everybody on the same page, and for the most part, I think we've done that. I would like to pass these pictures around, and sort of give you a feel for what we're dealing with out there.

Commissioner Mourdock: (Inaudible. Mike not on.)

Mike Wathen: Do what, Richard?

Commissioner Mourdock: Is this the pond that's right next to the apartment buildings? Parking lots right up against it?

Mike Wathen: Yes. It would be directly south of the apartment building. If you look in the one picture that Commissioner Mosby has, you can see a culvert, I believe. That's a 60" culvert, to give you an idea of the volume of water we're talking about.

Presently, I think, the most accurate way I could explain where we're at on this is we've went through every hoop we have the ability to go through, as far as IDNR is concerned. We've done everything we can to try to get the West Side Improvement Association on the same page with what we can do. I think they've been very receptive. I think they understand what we have the ability to do, and what we do not have the ability to do. Starting off, I think there was a little confusion on that. Presently they've cut the lake, it only had a concrete overflow, it did not have a principal. They've put in some, two sediment catch dams that were designed by Morley and Associates. I was out there today to double, just to double check it. I was on vacation last week, and I wanted to see what it looked like. It looked like it has caught quite a bit of sediment. Presently we're waiting for, you know, the next move on the developer. We'll be working with them on it, but it's not your typical situation, when you've got a three acre lake, with 200 acres of watershed, and you've got sediment 4' or 5' deep that's already accumulated in the basin. It's a tough one. Another one we're working on with the West Side Improvement Association is one very near there. It's off of Dorothy Drive. It's Rosenberger Commercial. I've got some pictures of that one as well. Since those pictures have been taken, the one that Commissioner Fanello has in her hand, that's been seeded, mulched, there's rye up about 4". We've made some progress with that one as well. It involves filling a very large area. It's a challenging site, but there again, we're going through what we have the ability to do under IDNR. We've done what we have the power to do. That's the only, that's the best way I know to put it. If anybody's got any questions, I'll certainly be happy to address them on any of those issues, or any other issues you might have.

President Fanello: Any questions?

Mike Wathen: That's all I have.

President Fanello: Thank you, Mike.

Commissioner Mosby: Thank you, Mike.

#### Ozone Officer Report

Commissioner Mourdock: Ozone Officer's Report is in the packet, so I'll move approval of that report into the record.

President Fanello: Okay.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### Consent Items

Commissioner Mourdock: With the Consent Items, we do have one late Consent Item, or one late pink slip from the Garage. I would move that that be added to the Consent File.

President Fanello: He made a motion to add the late Consent Item.

Commissioner Mosby: Second.

President Fanello: Thank you. So ordered.

Commissioner Mourdock: I would move approval of Consent Items, then, with that addition.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: That's with pulling out the one claim.

President Fanello: Yeah, we already did that with the, when we did the (Inaudible).

Commissioner Mosby: Okay.

**Revisit New Business: Jobe's Lane (Appropriation Request)**

President Fanello: You wanted to talk about—

Commissioner Mosby: I want to go back to New Business.

President Fanello: Okay.

Commissioner Mosby: I forgot to bring this up a while ago. I knew there was something that I was trying to think of. The Jobe's Lane Project that we had started on several months ago, trying to figure out a solution for, I have probably talked with everybody in the state imaginable, possible, and I've been put on to different people, and we went as far to hire somebody to write some grants, and, of course, that person didn't get paid, if they didn't find anything, which I would think enticed them to work a little harder, but the guy hit a dead end at every spot possible.

Commissioner Mourdock: Really.

Commissioner Mosby: I've talked with Sarah Alms, she's hit every dead end. I've talked with Jonathan and Dennis and Larry, and, basically, it seems like everybody has hit a dead end. The problem has not gotten any better. I would like to have Tammy put in an appropriation for \$360,000 on the money that came back on the Graham Packaging grant, and put it in for the Jobe's Lane Project. I think along with the \$360,000 grant, plus what we might have left in Riverboat/Infrastructure, and I did talk to John, at one point, and I don't know if we've got any Street and Road money left that we could possibly use some of it for the surface, if we did, but I think we can adequately find a way to fund this project.

John Stoll: I was going to say the three contracts we have, the two asphalt paving contracts, plus the concrete patching contract, pretty well wiped out our Road and Street—

Commissioner Mosby: Okay.

John Stoll: —Contractual money.

Commissioner Mosby: I just knew me and you talked that one time—

John Stoll: Right.

Commissioner Mosby: —we were going to have to put the street back in, and possibly that would have been a good use.

John Stoll: Right.

Commissioner Mosby: Anyhow, with \$360,000, and what we have in Riverboat, I think we can make it.

Commissioner Mourdock: You're thinking this one project is going to be a \$360,000 project?

Commissioner Mosby: It's going to be a \$470,000 project.

Commissioner Mourdock: Well, just as a procedural matter, since you've brought it up under New Business, for that kind of appropriation, I think we actually need to have it advertised, as an agenda, agendum, agenda item, before we vote to act on it.

Commissioner Mosby: I don't think, I mean, we're not appropriating the money. All I'm asking the Commissioners to do, and Tammy, is to write an appropriation tomorrow and send it to Council.

President Fanello: Council's the one who advertises.

Commissioner Mosby: Yeah, I mean, we're not advertising, we're not allocating the money. The \$360,000 came back on the grant from Graham Packaging, and went back to the Council. I'm just asking, that money came out of Infrastructure and Riverboat.

President Fanello: Uh-huh.

Commissioner Mosby: So, I'm just asking that it be re-appropriated so that we can do the project out here on Jobe's Lane. It all falls under Infrastructure. That's what the money originally was used for, and came back on.

President Fanello: I mean, because we, basically, up fronted the money on the Graham Packaging Project, which, if we don't get that money back, which the Council did defer putting that money back into our account for a month, if we don't get that money back, that means the Commissioners spent \$700,000 plus on the Graham Packaging Project, when we really only voted to spend 300 and something. I just don't agree with that at all. So, I mean, the money is there. We would like, you know, I think that's a good project, and it needs to be done, so.

Commissioner Mosby: I mean, we've got the stuff from Clark Dietz. The project is ready to go.

President Fanello: Would all they have to do is just bid out whatever they need to do?

Commissioner Mosby: I'm sure. That project is what, only about three months old? That study, or drawing they did?

John Stoll: I believe it was done back in the spring. They would have to go ahead and do the actual plan and profile design drawings—

Commissioner Mosby: Right.

John Stoll: — because those weren't a part of what they were under contract, originally, to do.

Commissioner Mosby: But, I mean, they gave us the estimates and everything—

John Stoll: Right.

Commissioner Mosby: —and it's all in there.

Commissioner Mourdock: I'm sorry, John, you said those were or were not?

John Stoll: They were not.

Commissioner Mourdock: Not part of their package.

John Stoll: Right.

Commissioner Mourdock: So, there are more engineering fees to be done.

John Stoll: Right. They have, they were under contract to do a study on how to serve the area with sewers, but to provide the actual plan profile drawings, and the specs was not part of their contract.

President Fanello: So, actually, the estimate he just quoted might be a little bit higher for the services you're talking about?

John Stoll: Right. There will be some additional design fees. Then again, if, I guess, if the road was not reconstructed, there might be some other alternates that they could look at that might drive the cost down, the construction cost down, that might offset some design fees.

Commissioner Mourdock: So, we've got some work to do before the project is ready to go out to bid, obviously.

John Stoll: Right.

President Fanello: Which we can't really do the work until we have the money in place, right?

John Stoll: I was going to say, there's no contract right now for them to finish, and no funding that I was, that I'm aware of.

Commissioner Mosby: This is the only way I know that we'll ever fund it.

President Fanello: Yeah, because, I mean, we don't have enough money in next year's budget to fund it. It's too tight. I mean, we didn't even get any construction road money next year, so.

Commissioner Mosby: I mean, I've talked to Dave Schroeder on I don't know how many occasions, and Mike Lockard, I've talked to Mike several times here recently, and everything seems to be a dead end. This is the only way I know to....I mean, it's not getting any better out there. I've went out there a couple of times.

Commissioner Mourdock: But, what you're wishing to do, and I'm not saying that I necessarily object, I just want to understand the process. What, given the facts that John has just stated, as far as what we need to do yet, we need to two things; number one, we need to get Clark Dietz signed up to do the final engineering work, to put the actual bid proposal together. Then, b, we need to put the bid proposal out, and get respondents to it, and get them signed up, so that the money then that you have now, based on the action that you're trying to do tonight, can otherwise be encumbered to roll you into next year. Is that accurate?

Commissioner Mosby: That's accurate, but, I mean, I'm not going to go through all this with Clark Dietz and everything—

President Fanello: Right.

Commissioner Mosby: —and spend more money, if the Council is not going to fund it. I mean, we've got to go...we've got to go to the Council, and, I mean, they have a meeting at the end of this month, and if they say, yeah, you know, here's your \$360,000, you can put it back in Infrastructure, which came off the Graham Packaging. Then, you know, we can go to Clark Dietz, and say, let's move, we've got the money in place. But, I mean, I'm not going to waste more money if, you know, they are going to sit over there and say sorry.

Commissioner Mourdock: Yeah.

Commissioner Mosby: We're not going to fund this. So, I will make a motion, if that's what it takes. Or, basically—

President Fanello: To make a motion, or you're making a motion to turn in the appropriation.

Commissioner Mosby: I'll make a motion that we turn in an appropriation for \$360,000 for Jobe's Lane. That it be earmarked for Jobe's Lane.

President Fanello: Any comment on that?

Commissioner Mourdock: No, I've made my comment earlier.

President Fanello: Okay. I'll second.

Commissioner Mosby: Thank you, John.

President Fanello: It's the year 2002, those people shouldn't be having to live like that.

Commissioner Mourdock: Is that it?

Commissioner Mosby: I'll make a motion to adjourn.

Commissioner Mourdock: That I'll second.

President Fanello: He's seconded that one. So ordered.

The meeting was adjourned at 7:20 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department                      County Assessor

**Employment Changes:**

Cumulative Bridge                      Treasurer                      Sheriff Department  
County Clerk

**Requests for Service:**

Area Plan                                      Superior Court                      Computer Services  
Supt. Of Bldgs.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Auditor:** Submit Accounts Payable Vouchers.

**Health Department:** Contract with Xerox.

**Commissioners:** Contract with Artwork Unlimited (Old Courthouse)

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Will Fosse
Gary May	Altha Schmitt	Don Counts
Debbie Masterson	Troy Tornatta	Ken McWilliams
John Stoll	Dennis Hudnall	Steve Craig
Mike Wathen	Brad Ellsworth	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 21, 2002**

The Vanderburgh County Board of Commissioners met in session this 21<sup>st</sup> day of October, 2002 at 5:39 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Board of Commissioner meeting for Vanderburgh County, October 21, 2002.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of October 21, 2002 Executive Session Summary Minutes**

President Fanello: Do I have approval of Executive Session minutes?

Commissioner Mourdock: I'll move approval of tonight's summary minutes. The meeting began at 5:10, lasted until 5:30, with the three Commissioners, County Attorney, County Auditor present, and the sole discussion was regarding county personnel matters.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of October 14, 2002 Commission Minutes**

President Fanello: Approval of October 15<sup>th</sup>, 14<sup>th</sup> minutes. Excuse me.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Roll Annual Contracts  
APA016-2002: Liquid Asphalt  
APA018-2002: Timber Materials**

**Permission to Bid  
APA02-2003: Crushed Stone  
APAQ03-2003: Sand & Gravel**

President Fanello: Phil Lawrence.

Phil Lawrence: I would like to ask Commissioners permission to roll two contracts, and to bid...we originally wanted to bid, roll all four. I talked with Mulzer, and they want to raise their prices. Consequently, we need to bid those. APA016, Liquid Asphalt, 016, Liquid Asphalt, and 018, Timber Materials. Both agreed to keep their price, therefore, we could roll those two contracts. After talking with Kevin, he advised that we should bid two and three, the crushed stone, and the sand and gravel.

Commissioner Mourdock: Okay. I'll move permission to go ahead and roll over for another year the liquid asphalt and timber materials contracts.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And would move approval to bid for the specs for crushed stone, and sand and gravel, as presented to us.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Advertise:  
APA004-2003: Gas and Fuel  
APA006-2003: Oil Products  
APA025-2003: Commercial Fueling**

Commissioner Mourdock: And with a planned advertising date of October 25<sup>th</sup>, and 11/1, I would move the advertising for bid for gas and fuel oils, oil products, and commercial fueling.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Thank you.

**FASBE Maintenance Agreement**

President Fanello: Next item is Alan Teeple, FASBE Maintenance Agreement.

Alan Teeple: Good catch. Alan Teeple, Director of Computer Services. What you have in your packet, and I've already delivered the signature copies to Madelyn, is a continuation, but it's a new contract with ISI, on the FASBE contract. It was expiring the end of this year. We went with a three year contract, as opposed to three one year option years, and it saves the city and county \$7,156 per year, by going that route. It has been reviewed by Kevin, and it was passed this morning by BPW.

President Fanello: Are there any questions?

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Alan.

Alan Teeple: Thank you.

**Old Courthouse Roof Project**

President Fanello: Next item is Will Fosse, Old Courthouse.

Will Fosse: Members of the Board of Commissioners, good evening, and others, good evening. A week ago I brought the contract documents on the re-roofing of the Courthouse to you for questions, and there were....let me pass these out.

President Fanello: Thank you.

Will Fosse: The questions concern the bid date. The documents that I gave you are the notice to bidders, instructions to bidders, a bid form, and the summary. The changes are in the notice to bidders. The proposals now will be due at 5:30 on the 2<sup>nd</sup> of December. That bid date also makes a change on the pre-bid conference, which is in your notice to, or instructions to bidders. That pre-bid conference is now the 20<sup>th</sup> of November at 1:00. The other change had to do with the insurance requirements, and that is in the supplementary general conditions, and that was changed from \$2 million to \$5 million. I believe that was all the changes that we had been asked to make. Are there any questions?

Commissioner Mourdock: Just for the record, it was not a change to the document, but I brought up the question about making sure that nothing that was being proposed here would, in any way, affect some future, possible grant to help fund the building through historic preservation. Tammy reported to me today that you'd discussed with Dennis Au, and he says, in fact, there is nothing further that needs to be done. That all these things would fit within the historical preservation standards.

Will Fosse: Dennis has a copy of the project documents, so, he is familiar with them.

President Fanello: If there are no other questions, do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered. Thank you, Will.

Will Fosse: Thank you very much.

Madelyn Grayson: Commissioner Fanello?

President Fanello: Yes.

Madelyn Grayson: Will that, will Will Fosse be placing that ad? Or will we be placing that for you?

President Fanello: That's a good question. Will, how do—

Will Fosse: Pardon?

President Fanello: She wants to know if you will be placing the ad, or do we need to place the ad?

Will Fosse: Normally the client places the ad.

Madelyn Grayson: Okay.

Will Fosse: It is the notice to bidders.

Madelyn Grayson: Is that available on disk, by any chance?

Will Fosse: I can get it to you on a disk.

Madelyn Grayson: That would be wonderful. The only other thing, it says Room 303 in here. Is that correct?

President Fanello: No.

Will Fosse: Is that the wrong room?

President Fanello: It should be 305.

Madelyn Grayson: Okay.

Commissioner Mourdock: 305. Let me just raise a question, Will, I know when we bid some other things in the past, for instance, when we did the Centre, the architect who was doing that thought, to get the best possible coverage, within the type of builders who might do that type work, they went ahead, I believe, they did the advertising, or, at least, they made sure we had advertising in some specific journals. For this type of work, would we be well served to try to target that bid.

Will Fosse: Okay, maybe my question, my answer to your question...I thought your question was, do we put that notice to bidders in the paper, was that your question?

Madelyn Grayson: Yes.

Commissioner Mourdock: Effectively, yes, because that's how....if we're going to bid something, that's what we do. We have a very set routine.

Will Fosse: Right, well, regardless of who puts it in the paper, we've contacted various people that are interested, and have expressed their interest. Tammy has given me, I think, five contractors. In fact, we've already sent them a package similar to what I gave you concerning how it's going to be bid, and the particulars. They have that.

Commissioner Mourdock: In addition to contacting them individually, and I don't have a problem with that, but I just want to make sure that anybody who might be capable

of doing this work becomes aware of it. Is there anything regionally that, or any publication that we might advertise this is, to make sure we get a good coverage of bids?

Will Fosse: Not, other than the newspapers.

Commissioner Mourdock: Okay. Okay. I just want to be sure. It seems like specialized work to me.

Will Fosse: Well, it is specialized. We've had a lot of, I think, it's been in the newspapers, and we've gotten requests from people as far away as Fort Wayne—

Commissioner Mourdock: Okay.

Will Fosse: —and Columbus, Ohio.

Commissioner Mourdock: And they were a couple of the five you just mentioned?

Will Fosse: Yes.

Commissioner Mourdock: Okay.

Will Fosse: Yes.

Commissioner Mourdock: Fine. Okay.

Will Fosse: Thank you very much.

President Fanello: Thank you.

**Corradino Group: Burdette Park Master Plan**

President Fanello: Mike Duckworth.

Mike Duckworth: Good evening. My name is Mike Duckworth. I'm Vice President of Business Development for the Corradino Group. This evening I will be just going over some brief talking points in regard to the Burdette Park Master Plan. Most of you, I believe, have received your copies of that. I hand delivered them Saturday to some of your homes. In review of this, first of all, let me say that we have completed phase one of the two phase master plan. Originally, this all was going to be done this week, and because of some additional information that needed to be gathered at a later time in the summer so that we could get an accurate phase two part of this master plan developed, we've split this master plan into two different sections. Phase one, basically, what we've done is we've gathered information, and, of course, we've completed all that. We've evaluated existing facilities. That is complete. We've done an initial assessment report on those facilities. Included in the initial assessment report, are the creation of 17 activity centers. Various recommendations for those activity centers include the preservation and restoration and enhancement of the overall theme of this park. One of the things that we were very emphatic with everyone that we had talked to and interviewed, from staff to those members of the advisory board out there, is that one thing was definite, and that is to maintain the overall atmosphere that Burdette Park currently has, and not to make it something that it's not. We also looked at, and are continuing to look at

improvements to the aquatic center; a survey of the WPA structures; different signage, which would clarify, maybe, certain routes and certain areas of the park, and highlight those; design guidelines; also building a relationship, possibly, with the University of Southern Indiana to make that facility and Burdette Park more of a connection to those facilities. So, both facilities could be utilized to their utmost potential, as well as addressing parking issues, and even the possibilities of additional chalets for use. One of the other, during the evaluation, we did an evaluation of the buildings, and the facilities, the infrastructure of those facilities to help the Commissioners understand the current conditions of those facilities, and where they may possibly need to go, and what some of those cost factors may be. We also have listed in this report preliminary lists of funding sources. Speaking with Commissioner Mourdock, and Commissioner Mosby and Fanello, one of the things that we want to try to do is make that, or enable that park to work more efficient, and to bridge the gap on what it costs Vanderburgh County to operate that park. This report will serve to outline existing and future park needs, and the master plan workshop that is planned for the summer of next year will enable us to gather and complete the gathering of that information. Finally, the final master plan will incorporate the issues raised in the initial assessment report. We feel confident that the park has significant, excuse me, potential for growth. The final master plan will offer a vision consistent with the restoration, preservation, and enhancement of the park's current amenities. With that, I submit this report to you, of course, in a two phase report. There are parts of it that, of course, can be changed down the road. Of course, with the gathering of information may tend to lead us into a different direction. But, I think, this is much more graphic than the previous two master plans that you've received. There will be a disk completed to where, at some point in time, to your liking that could possibly even be put on the Internet for the public to view. So, with that, I'll entertain any questions, at this point, but also to relay to you that because this has become a situation where there are two phases, we've entered into an agreement in regards to an addendum, so that a portion of the payment for this master plan will be done this year, as well as the remaining, when it's complete next year.

President Fanello: Are there any questions, at this point?

Commissioner Mourdock: Just a general comment. After reading through this, Mike, I guess, when you come back, and, obviously, I'll be long gone, at that point, but it seems to me that when you come back with that second phase, and the recommendations, priorities ought to be given on the recommendations, first, for safety, and I say that because there are several areas that you mentioned where there are some things that have some wear and tear items, and it sounds like they could be safety/liability issues. So, safety is always first. Second, would be full accessibility, ADA accessibility, and making sure we've got better access. Then, third, need versus return. You made reference a moment ago, and apparently all three of us, at separate times, said the same thing, about making sure the park is, the operating deficit is better controlled.

Mike Duckworth: Right.

Commissioner Mourdock: Those would be my three orders of priority.

Mike Duckworth: One thing that I think all three Commissioners have indicated to us, is the fact that one of the, maybe one of the major parts of having this master plan renewed, is the fact that it is a tool that you use to further seek out grants, or other funding sources. That can kind of be a double-edged sword, because, like with

WPA, or having it listed on the historic register, there are stipulations that come with that funding. You have to be very careful with that. So, I believe this is a very good start to, after we get an assessment of what the community that uses this facility is actually looking for in improvements, and the safety measures, and the cost effectiveness, I think, it can be a tool that can be used by Steve and his staff to ensure that this park continues to grow.

President Fanello: Any other questions?

Commissioner Mosby: I just echo what Commissioner Mourdock said.

Commissioner Mourdock: In that case, I'll move we take the Burdette Park Master Plan Facilities Review and Initial Assessment Report under advisement, and look forward to the final report.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Do we need to accept the addendum?

President Fanello: Yes. Do you have an addendum you want to present?

Commissioner Mosby: Oh, I thought it was in here. Does everybody have a copy of that?

President Fanello: Huh-uh.

Commissioner Mosby: Oh, I thought everybody had a copy.

Mike Duckworth: I'm sorry.

Commissioner Mosby: It was just in mine.

Mike Duckworth: Yes.

President Fanello: It was, you gave me a copy in my folder.

Mike Duckworth: Okay.

President Fanello: It should have been in the original.

Mike Duckworth: Well, I left the Republican out, I'm sorry.

Commissioner Mosby: What it is, Commissioner—

President Fanello: Shame on you.

Commissioner Mosby: —the total cost of the master plan was 50, and what we were going to do is break it down into 30 and 20, since phase one is done. We would pay them for phase one, and then they have to complete phase two, to get the other 20.

Mike Duckworth: Yeah, it's just basically splitting it. We had a little more work than what we had anticipated this year, because of the initial assessments, and the meetings, and bringing a couple folks in from our Miami office.

Commissioner Mourdock: Given where we are, I think, we probably do need to act to accept this then.

Commissioner Mosby: Upon Commissioner Mourdock reading it, I will make a motion to accept the addendum to split the payment.

Commissioner Mourdock: I'll go ahead and second.

President Fanello: Okay. So ordered. Thank you, Mike.

Mike Duckworth: Thank you.

**Morley and Associates: First Reading/ Public Hearing:  
Ordinance to Vacate Drainage Easement: 5945 Mesker Park Drive**

President Fanello: Morley and Associates, first reading/public hearing of ordinance to vacate drainage easement.

Danny Leek: Thank you. My name is Danny Leek with Morley and Associates, here on behalf of Landmark Quality Homes and Brian Reitz. The landowner petitioned to vacate an existing drainage easement on lot four of Stanley Acres. It's located at 5945 Mesker Park Drive. The owner is wanting to build a house on this lot. It's triangular shaped. Would like to vacate the existing platted easement on that lot, and then re-dedicate a new drainage easement to accommodate the flow across that lot. We have sent letters to the utilities, as a courtesy, even though it's a drainage easement, just for their input. Vectren has commented back that they want to be sure that we didn't vacate any portion of the utility easement, which is not our intent. It's only the drainage easement that we're trying to vacate, and then re-dedicate. We have received a letter back from Sigecom that they have no objection. The remaining letters we have not received.

President Fanello: Are there any questions?

Commissioner Mourdock: On first reading, I would move approval of the drainage easement submitted to us by Morley for 5945 Mesker Park Drive.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you.

Danny Leek: Thank you very much.

**Second/Final Reading of Ordinance to Vacate Right-of-Way  
Crane Addition**

President Fanello: County Attorney, second and final reading of ordinance to vacate right-of-way.

Kevin Winterheimer: Yes, we have ordinance 09-02-003, requesting the vacation of a platted, public right-of-way in the Crane Addition. I've received no comments. I don't know if anybody in the audience is here to speak on this matter. If not, I would assume it's ready for adoption.

Commissioner Mosby: I hadn't heard anything.

Commissioner Mourdock: Seeing no one wishing to speak, I'll move on final, second and final reading, the approval of right-of-way vacation for the Crane Addition, as submitted.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time?

**Old Business**

Commissioner Mosby: Old Business?

President Fanello: Seeing none, I'll move on to Old Business. Does anyone have any Old Business that they would like to bring up?

Commissioner Mourdock: Just one issue on voting and polling places. I just want to make sure that number one, we act to go ahead and formally advertise.

President Fanello: Right.

Commissioner Mourdock: Number two, have we, Tammy, been in contact with Benny, and I know routinely the day before the elections, or primaries, he stops by a lot of sites, delivers tables and chairs and such for those, does he have written guidance, at this point, as to which of those localities need chairs and tables, and whatever else they need that we normally provide?

Tammy McKinney: Yeah, I've got that in my office for him.

Commissioner Mourdock: Okay.

President Fanello: I was going to bring up another issue that I remembered we had with the primary election, and that was making sure that the inspectors pick up the keys for their polling place, because, I think, there was miscommunication that we picked up the keys, or our office picked up the keys. I believe, it's been the practice for the inspector to pick up the keys to open the polling place. Is that not—

Commissioner Mourdock: I'm not sure. I have never heard that question come up. You're saying the individual inspectors, at that individual polling place, would go in the day before and get the keys.

President Fanello: Uh-huh.

Commissioner Mourdock: Okay. I haven't heard that, so, if that's what we need to do, we may need to make sure that the County Chairman are advised of that, and make sure that the County Clerk stresses that during the training sessions for the inspectors, clerk and judges. Have we also gotten back, or have we have formal communication with all the polling places, the owners of those places, so that they've signed off with us, and they are ready to roll, and know that their sites are going to be used?

Tammy McKinney: Right. Yes.

Commissioner Mourdock: Okay.

President Fanello: Then, I guess, we need to bring up the fact that today at the Election Board meeting there was recommendation that we move Stringtown, from Stringtown Library either to Henry Reis or St. Theresa.

Tammy McKinney: Right.

Commissioner Mourdock: And this was because of the ADA (Inaudible)?

President Fanello: Right, because of Stringtown Library not being very accessible.

Commissioner Mourdock: Have we had conversations with either of those other two places?

Tammy McKinney: I have left voice messages with both places, to let them, give them a heads up that it could be, they could be a polling place in November.

Commissioner Mourdock: Neither of them is currently a polling place?

President Fanello: No.

Tammy McKinney: Right.

Commissioner Mosby: Well, I mean, it would be up to St. Theresa whether they wanted to be or not.

Tammy McKinney: Right.

Commissioner Mosby: And Henry Reis, we would just have to—

Tammy McKinney: That's with the School Corporation, so—

Commissioner Mosby: Yeah, we just have to contact the School Corporation, and talk with them.

President Fanello: The only problem, we have a deadline, I believe, we have to take, we have to make a decision tonight.

Commissioner Mourdock: Right.

President Fanello: We have no choice.

Commissioner Mosby: Well, can we make a decision on one, and then use the other as an alternative. I mean, I would make a motion—

Commissioner Mourdock: Again, I don't know—

Commissioner Mosby: —to use Henry Reis.

Commissioner Mourdock: That's the school?

Tammy McKinney: Right.

Commissioner Mosby: Yes.

Commissioner Mourdock: I think that's the one we can most assuredly count on, given the School Corporation's past practice.

Tammy McKinney: That way it stays in the same ward, and the same precinct, I mean, nothing changes but the place. If we go to St. Theresa, then we're going to a different precinct and ward.

Commissioner Mourdock: Uh-huh. Okay. As far as the advertisement of all the others, with that change, we are then ready to go?

Tammy McKinney: Right.

Commissioner Mourdock: As far as you know.

Madelyn Grayson: I'll just need guidance as far as when this ad is to appear. Is it this Friday? Because the paper has a three day deadline. So, if I get it to them tomorrow morning, they could get it in Friday, which gives us right at ten days.

Tammy McKinney: Right. I guess—

Kevin Winterheimer: You're okay.

President Fanello: Is that okay?

Commissioner Mourdock: Okay, well, I would move the advertising of all the polling places then, at the soonest possible date, and with the change, and do you know the ward and precinct of that one?

Tammy McKinney: Stringtown Library is 3, 3-5.

Commissioner Mourdock: Okay, that we change 3-5 to Henry Reis—

Commissioner Mosby: Henry Reis.

Commissioner Mourdock: --Reis School. Then we'll need to notify the Clerk's office, since that polling place is being changed, between primary day and general election day, to make sure she gets everything out in the mail to all of the people who would otherwise be voting—

Tammy McKinney: Right. We'll have 642 changes in voter registration cards.

Commissioner Mourdock: It's a small one then, so.

President Fanello: So, then, I'll guess you will tell each of the voter registration people tomorrow morning of that decision.

Tammy McKinney: Right. I'll talk to Connie and Tony in the morning.

Commissioner Mosby: I'll second the motion on making the change on 3-5 to Henry Reis, and advertising.

President Fanello: And so ordered. Since we're talking about election and polling place, we had the press conference this morning with Healthsouth, who is going to be providing handicap transportation for voters to the polls on election day. They are asking that they be notified by November 1<sup>st</sup>, and they are, I think, the newspaper is supposed to be running something tomorrow, but they also have flyers that are going around. So, I just want to publicly say how grateful I am to Healthsouth for providing that transportation for us on election day.

Commissioner Mourdock: Are they doing that on a gratis basis?

President Fanello: Yes, they are.

Commissioner Mourdock: Okay. I presume, since they are doing it on a gratis basis, as a service, it is not, in any way, going to be inferred as a Republican or a Democrat benefit.

President Fanello: Right, it is for anyone who wishes to have a ride to the polls, and, I guess, it's okay to bring up that either one of Republican Headquarters or Democrat Headquarters both offer transportation on election day, so.

Commissioner Mourdock: Sure. Bit of trivia, but it's interesting, given the light of this conversation, I know there's a bunch of students in here tonight, so you guys ought to appreciate this. I was recently reading a history of Indiana written by a professor from IU by the name of James Madison, and 100 years ago in 1900, the politicians and government officials of Indiana were beside themselves. Right after the election they were going into basic apoplexy, because they thought all of democracy was going to fail, that they whole system was falling apart, that it couldn't be sustained, because for the first time in 1900, less than 90% of the voters voted. We will be lucky, probably, to get 35% turn out.

President Fanello: That's right.

Commissioner Mourdock: Keep in mind, in 1900, you didn't have anyone picking you up to take you to the polls. You didn't get in the car and go, it was an all day's event.

President Fanello: Uh-huh.

Commissioner Mourdock: And still they had 90% turn out, and they were dismayed by it. So, we can only hope to do that well.

President Fanello: That's right.

Commissioner Mosby: Uh-huh.

President Fanello: Is there any other Old Business that either of the other two Commissioners would like to bring up?

Commissioner Mourdock: Yes, having read in the paper the other day the discussion of insurance—

President Fanello: Yes, I'm glad you brought that up.

Commissioner Mourdock: —and where we're going with that. I just wanted to see, if, again, we're going to be voting on that issue? Or where we're headed with that?

President Fanello: I have information that I have gathered, I have met with Dennis Woehler today, in light of some of the comments made at the candidates night at Teamster by a Councilman running for election. I had Mr. Woehler go back and give me some detailed information, and I made a copy for everybody. So, I'll go ahead and give that to you.

Commissioner Mourdock: We'll share that one.

President Fanello: Basically, at the beginning of budget season, we all know that the County Council was very concerned about the financial condition of the county, and encouraged every office to try and make cuts wherever necessary, and insurance was no exception, or no exception. And you know that we were approached by Councilman, even Councilman Tornatta is here tonight, he and I had discussion about insurance. I know he had discussion with other members of the County Council about the cost of insurance. So, that is nothing new. Basically, the County Council had set in, or had requested, originally, \$5.7 million for health insurance for next year. At the budget hearing, or the final budget hearings, where they voted on additions and deletions to the final budget, the insurance was cut by \$369,000, leaving therefore a total request, or final budget figure of \$5,428,493. Based on the information that Dennis Woehler had provided to the County Council, I'm not exactly sure where those numbers came up with, because they don't match the original production from Dennis Woehler. I had him go ahead and give me a comparison, which you'll see with your information, of what our total cost would be without the changes, and what it would be with the changes that we voted on a couple of weeks ago. Now, the thing that he's done, which Sandie Deig had also done when she came up with her calculations, is to make sure that we take out the non-county employees, which would be the Trustees. Then the Health Department's comes out of their own budget. So, without the changes, the total cost to Vanderburgh County, which we do pick up 92% of the employees cost, would be \$5,823,447. After the changes that we voted on a few weeks ago, the cost would be \$5,535,722. So, with that in mind, we still do not have enough money to cover the insurance next year, even with the changes. If we did, if we went ahead and reversed our vote, and restored the insurance back to the way it was before, we cannot afford it, because we would have to go back to the County Council in January, and ask them for almost, over \$400,000 in an appropriation. So, with that in mind, I don't know that anybody wants to put the county in any more fiscal constraints than what it is. So, I guess, I'll leave it up for discussion and comments, but I did go ahead and have him run these figures, just to make sure, because, quite frankly, I was really kind of confused at some of the statements made, because it made it sound like that there was enough money to cover next year's insurance, and there's not, there is not enough money to cover next year's insurance.

Commissioner Mourdock: Well, having not been at the meeting when all this, meaning the public meeting at the Teamster's Hall when this was discussed, my brief synopsis of this is unchanged from where we were before. When we voted on this, Mr. Woehler gave us his numbers, we set things in motion to go ahead and begin to have the group meetings with the people that are county employees. We did that under the auspices of saving something like \$300,000, and to me that remains the solid course. So, I'm glad to hear you say you're not looking to come back now and have another...at least, I think I'm hearing you say you don't want to vote on this.

President Fanello: Right, well, and I think that it was only fair that I take a chance and revisit the financial information based on the comments made by the Councilman running for election, who is an incumbent Councilman, who made it sound like that we had plenty of money on hand, and, after hearing that made me very curious about our own financial condition. After hearing all of the complaints during the budget season of how short of money we were. So, I am glad I took the exercise to go back and revisit the financial information. It is in the best fiscal, best fiscal responsibility of this county to stay on course as we voted a few weeks ago.

Commissioner Mourdock: You mentioned a moment ago that you took out the Health Department numbers—

President Fanello: Uh-huh.

Commissioner Mourdock: —and there was another one you said.

President Fanello: Well, these are, these are General Fund numbers right here.

Commissioner Mourdock: Right.

President Fanello: The Trustees and Scott Township Fire.

Commissioner Mourdock: Yeah, did you also take the Cum Bridge? Because Cum Bridge is also used for some of that.

President Fanello: It's a very small amount, so, yes.

Commissioner Mourdock: But, it's at this point still in here?

President Fanello: At this point, it's probably still in here, because these are the only one's that are taken out.

Dennis Woehler: If I may make a comment on that, sir. Dennis Woehler, ONB Insurance. Up to this point I have not actually been privy to the actual budget, and therefore what I provided was gross numbers, okay. The Council actually backed out the numbers, or I assume they backed out the numbers of the people that weren't there. So, what I did, and it's still, I think, probably within a few people of being correct, but the because of the way the Health Department is, and some of their's being funded by grants and so forth, it's difficult to get it to an exact person number. So, that's why it's based on a certain number of people here. So, it could be off, you know, three, four, five people, but I don't think it's off too far. If, in the future, the Council would like to provide me with the actual numbers of who is on the plan, then I can provide them an actual bottom line, and maybe avoid this issue in the future.

Commissioner Mourdock: Yeah, but in reality, they can't do that either. I mean, it's always a moving target with exactly the number of people—

Dennis Woehler: Sure.

Commissioner Mourdock: —so, I don't know that you can ask them to do what it's impossible to do.

President Fanello: Well, I think what he's referring to is that after he gave the gross, or the gross total number, Sandie Deig went ahead and made additional cuts to the budget, which still leaves our budget a little bit short for next year. I think if he would have had, if maybe they would have worked together on that, we could have got, maybe a little bit closer number, so.

Commissioner Mourdock: Are you still prepared to roll out on the schedule that you had originally put together, Dennis?

Dennis Woehler: Yes, sir. We already have our flyers printed up to put in the November 1 pay check. We haven't run off 1600 copies, because it's a two page deal. Because we were waiting to see what the outcome would be, but, yes, we're ready. The meetings are scheduled. The company representatives are scheduled to be there to explain the changes.

Commissioner Mourdock: Okay.

Dennis Woehler: Everything should be in order.

Commissioner Mourdock: Well, since there's no change in policy, or no different vote now on this board, that it hasn't flip flopped, I would say let's stay on that schedule.

Commissioner Mosby: I just got a question, Dennis. I know you answered this before, I'm sure. I know it was brought up, I believe, the other night. We did shop this off, and bid it, did we not?

Dennis Woehler: Yes, we did.

Commissioner Mosby: We tried everything. How many people did we actually quote it?

Dennis Woehler: We put it out to four different carriers. This is not to say, you know, there are a lot of insurance companies, and every year we're exploring where to go, and what to do. Not just with you all, but with every health insurance account, because health insurance premiums are a concern for every business. So, with, this is a unique situation, because first you have to find a company that has an appetite for municipalities, and a lot of insurance companies won't quote them. Then you have to get competitive numbers after that. So, yes, we shopped it out, and next year if we need to send it, you know, if we need to send it to 12 people, then we'll do it. You know, it's on a group this size, you have a bid spec package about this thick, you know, that's shipped out to each of them, and they go through it, and, you know, let you know if they are even interested. Then, obviously, give you some rates, if they are. So, that's kind of how the process occurs, and, yes, we do our diligence with every, every customer we have. Everyone is shopped out, every year.

Commissioner Mosby: I knew you had said before you did, but I just heard the comment was made that maybe we need to bid it out, or shop it off at the Teamsters Hall that night.

Dennis Woehler: Yes. In your summary report the people that we shopped to are in it, so. I assume you read that. This was just a matter for public record. Yes, we do shop it out.

Commissioner Mosby: Okay.

President Fanello: Somebody couldn't hear you over here. Could you repeat what you said?

Commissioner Mosby: Do what?

President Fanello: Media over here couldn't hear what you were saying, and I couldn't even hardly hear what you were saying.

Commissioner Mosby: I just said I heard the remark was made at the Teamsters Hall that, you know, maybe we needed to bid this out. I knew that had been done, but I wanted to clarify and make sure, because I in no way want to revisit this, you know, situation. I mean, we took action, I mean, I will admit I'm the one that's negotiating right now with the Teamsters for the county. I guess, I was shocked the morning I read this in the newspaper, and had seen the remarks that were made. I can honestly say, I mean, and Dennis has worked with me on this, I even took the Teamsters contract insurance that they offer, I guess, to some of their employees, and they had asked me if we would consider that. You know, after looking at their numbers, with what we're going to be doing for our employees next year, if we went with their numbers, it's like 24% higher, just on what we're paying right now. Dennis has seen these, plus the coverage is, there is a lot of difference in coverages. So, really, I mean, outside of what we've did, and we've bidded out, and we've shopped it off, I've even compared what we've got, you know, with what they offered me. You know, it's no where near the comparison. I too, you know, looked at these numbers, had several conversations with Councilman Raben on this whole budget issue when he was saying that we needed to cut money, and we needed to save money, and, I guess, that's what shocked me more than anything when I picked up the paper. I don't know if it shocked me as much as it aggravated me to think that somebody would stand there and say anything, I guess, to get a vote. That's not the way I'm going to operate. I will stick by the decision I made.

President Fanello: Well, even if, like I said before, if, even if it was the will of this board, the Council would have to appropriate over 400 and probably 30, 50 some thousand dollars next year to cover it without changes, so.

Madelyn Grayson: May we change the tape please?

President Fanello: Yes.

Madelyn Grayson: Thank you.

**(Tape Changed)**

President Fanello: If there is no other questions on the insurance, thank you, Mr. Woehler. Thanks for meeting with me today on this issue. On the TIF district I have

spoken with three firms, and are in the process, and in the process of getting quotes on providing us the numbers for us to move forward with the Lynch Road Project. As soon as I get those quotes back from the three accounting firms, I will bring those to the board. Hopefully, that will be next Monday night, and we can start moving forward on that. So, any other Old Business?

**New Business**

President Fanello: New Business? I don't think I have any either. If we don't have any other New Business, department head reports, County Engineer. Wait, John, I do have something that I was asked to bring to the meeting by the Election Board. If you'll give me just a second here—

John Stoll: Okay.

President Fanello: I guess, that's New Business. They received a complaint letter, which we are already aware of the situation. It appeared in the newspaper a few months ago, or a few weeks ago, not a few months ago, about the Perry Township Trustee Office. I think we're all aware of that situation. The gentleman was angry that there were no Republican posters at that location. We were asked to bring the letter to the Commission meeting. I don't know what we're going to do about it, and I told the Election Board that we don't really have any jurisdiction over any Township Trustee office, or what they do at their Township Trustee office. So, I was asked to bring it to the meeting.

Commissioner Mourdock: I'm not sure, technically, that's true, because some time ago, and this was before I came on the board, the county, probably by resolution, and this would have been, what Rick Borries, Pat Tuley, and Don Hunter, passed a resolution saying that there wouldn't be political advertising on county properties. Those buildings are county, I think, now, I may be wrong, are the Township Trustees, do we as the county lease those buildings?

President Fanello: No, we don't.

Commissioner Mourdock: Do they do it themselves?

President Fanello: They enter it—

Commissioner Mosby: It comes from the state.

President Fanello: Yeah.

Commissioner Mourdock: Well, okay, that being the case.

Commissioner Mosby: I was asked that, and checked into it.

Commissioner Mourdock: Well, it's fully inappropriate that any public building do the type of advertising that is, in my opinion, I don't think either side should be advertising in public buildings. I think it's inappropriate.

President Fanello: Well, I don't know that there's anything that we can do about it, so.

Commissioner Mourdock: Okay, let's deal with one we can then.

President Fanello: Okay.

Commissioner Mourdock: Over at the Old Courthouse, there are a number of signs showing up on windows there that, and it's not just political, by the way, but there are a lot of them that are political that go against the terms of the leases. So, why don't we, at least, have those—

President Fanello: Okay.

Commissioner Mourdock: —have a letter sent to all those lessees, asking them to immediately take down the signs.

President Fanello: As long as, well, Kevin, I think it would be good if Kevin could review the lease.

Commissioner Mourdock: Sure.

President Fanello: And see if that's—

Commissioner Mourdock: It's in there. I've reviewed the lease—

President Fanello: I personally haven't looked at it.

Commissioner Mourdock: —because I got a call on it. Clearly, there is no provision for any of the lessees to have any signs that have anything to do with the type advertising that they're doing in the windows. So, Kevin is free to look at that, but, I mean, I encourage him to look at that.

Commissioner Mosby: I mean, I haven't looked at the lease.

President Fanello: Okay.

Commissioner Mosby: But, I mean, the one thing I'm going to say in this situation, them people lease that space—

Commissioner Mourdock: But, it's still, they agreed to the lease, and the lease says what they will do, and what they won't do.

Commissioner Mosby: Okay, is it in the lease that they—

Commissioner Mourdock: Yes.

Commissioner Mosby: —can't have a sign?

Commissioner Mourdock: Yes.

Tammy McKinney: I would have to look at it. I'm not sure.

Commissioner Mourdock: Trust me, it's in there, or I wouldn't be making this statement.

Commissioner Mosby: I mean, I would like to have that checked, but, I mean, if somebody wanted to advertise their business, I mean, I can't believe we would forbid somebody to—

Commissioner Mourdock: No, you're—

Commissioner Mosby: I don't want you insinuating that this is a political deal, because, I mean, I'm not letting them put signs up at the Courthouse, and they're not in but one office, and that's because the Democrats graciously rent the Old Courthouse for headquarters.

Commissioner Mourdock: Yeah, and I said that there are, there's at least one business that has a sign in the window that has nothing to do with politics. But, there is a provision in that lease that says, even if you're going to advertise your business, how you do it, and I don't think there is anyway you can read what's there to say that the way they are doing it is the right way. So, if, Kevin, you would read that over, first thing in the morning, and then maybe report back to Tammy as to what you see, and, Tammy, you can talk to the lessees.

President Fanello: Okay, and then another matter, before I forget. I just had a question, Suzanne, will the Auditor's office be able to provide me with the budget forms I requested?

Suzanne Crouch: I think we already have.

President Fanello: Okay, I haven't received them yet, if they have. Okay, thanks. County Engineer.

Commissioner Mosby: Wait, I got one question.

President Fanello: I'm sorry.

Commissioner Mosby: Go ahead, Troy, and then I'll—

Troy Tornatta: Troy Tornatta, County Council. I did not know if you, I've kind of stuck close to this Assessor's situation. Have we gotten a contract?

Commissioner Mosby: That was my question, because I had asked Kevin last week to look...I mean, no, we have not seen a contract.

Troy Tornatta: Well, I know there's been work that's been done, and that kind of puts me in a little bit of shaky ground, because if that's the case, then somebody's going to have to pay for somebody's work. Or, you know, I don't want any type of law suits coming down, because we're not going through the protocol. If she, if our Assessor right now is supposed to have some type of contract before she can use another group to come in, then she needs to go ahead and get that contract signed with the Commissioners, or not signed. As long as you're okay with it, then the majority of the Council has funded that project, and it will go. If we're not okay with it, then we need to go a different direction.

President Fanello: I'm not okay with doing work when we don't have any kind of written agreement, because a written agreement protects this county from liability issues associated with whatever they're entering into a contract for. It also protects the vendor giving the service. So, I'm not in favor of that, and our office has

repeatedly called the County Assessor's office asking for a contract, and I just spoke with Mr. Winternheimer before the Commissioner meeting, so he may have additional insight.

Kevin Winternheimer: She called me last week after the meeting, I think the next day, and it's my understanding what she said that she is still negotiating the contract. There is no contract, because she has not entered into one yet. She assured me that when they have a written contract, that she will send me a copy to review. So, that's all I know.

Troy Tornatta: I think there's a issue right now with the other Assessors that they want to get this ball rolling, and –

President Fanello: We do too.

Troy Tornatta: –and they really want to put things ahead. I'm trying to champion the effort to get things going, talking to our provider right now, Manatron, and trying to get some issues going with them, so that they are going to get their product to us, and make an expedient, and get their product to us as quick as they can. You know, we have to have some leadership from the top of the chain, and right now it's the Assessors. Right now, I mean, it's almost like it's a stall, stalled right now, because we, she won't make a decision, won't get any contract to you to know when we're going to be able to have this. Right now our Assessors have no leadership from the top. Right now we're playing a waiting game. Here again, another two weeks that we've waited since we voted on this before. So, I really don't understand, and, I guess, what I'm saying is you guys are going to be the ultimate one's to make the decision whether that's the company that does it, or we need to look somewhere else. I've had plenty of talks with ProVal, they say they can do it. They gave me a list of an appraiser which they hire called Saber that does all the reassessment. They feel totally confident that they can handle it all, and do it at a reasonable price to the county that is less than what we appropriated in the County Council. I think we at least need to take a look at it. If it's not what we want, then we look at something else, but without a contract on our desk right now, it's pretty impossible to go forward.

Commissioner Mosby: I guess, it bugs me what you just said. You said we don't have a contract, and they're working out the–

Kevin Winternheimer: Apparently she's working, negotiating and working on the language. It's my understanding that there is no contract.

Troy Tornatta: If they have met–

Commissioner Mosby: Well, we got a price.

Troy Tornatta: –but they have met.

Commissioner Mosby: I mean, that's kind of, I don't know if I like that. We got a price, but we don't have a contract.

Troy Tornatta: And there was a mandatory meeting last week.

Commissioner Mosby: And you guys probably need to review that contract. We probably need to send it over.

Troy Tornatta: We've reviewed every other contract.

Commissioner Mosby: I know. That's what I'm saying.

Troy Tornatta: So, I think that's probably going to happen this time.

Commissioner Mosby: You probably need to review that one. I'd want your opinion before I'd sign it.

President Fanello: Well, I mean, we--

Troy Tornatta: I know that's a jab, but, seriously, I mean, I'm doing this--

Commissioner Mosby: I'm just kidding, Troy.

Troy Tornatta: --in the, and I know you are.

Commissioner Mosby: But, I'm not kidding about having a price, and not having a contract.

Troy Tornatta: I agree. That's the only reason I'm here. I think that, I talked to the Assessors, they want to get this thing rolling. Not to waste anybody else's time, but this is our money. That's why I'm here.

Commissioner Mosby: I've had two Assessors talk to me, I've had the County Treasurer talk to me, and I understand that, you know, the problem they've got, the need they've got. I understand them trying to get the numbers and the equalization done and everything else. You know, it's like I told the Treasurer the other day, I said, we have asked for the contract. We asked four times for it to be sent down to us. It never showed up. We didn't have it at last Monday's meeting. Now, and I asked the County Attorney to look into it. Now he tells me we don't have a contract. We're working out the language. We're working out, you know, whatever, so.

Troy Tornatta: Well, I think what's very important is to talk with the people in direct line, which is ProVal. I've talked with them, they say they can handle it. They're more than willing to work with us, and send the proper people down to make sure we're caught up and trained on the issues. In my opinion, I think that that's the first one we look at. It is in the provisions to use your vendor that you have. So, in talking to them, they feel real confident they can do it. They have a group that works for them that can provide us the other services we need, and, at least, get an idea of what we're supposed to do instead of doing a two week situation where we're really not getting anything done, or anything handled to our Assessors.

President Fanello: Well, I know I also met with the County Treasurer last week, and she's very, very anxious to make sure everything stays on schedule, because she has a schedule to follow to get the tax bills printed, and get them out. I don't know what this board can do other than, you know, we've got to get something done, and we have to, you know, make sure the Assessor gets the contract up here, which is what we've been trying to do, and it's not happened. I don't know if this board just starts calling and getting price quotes, or talking to the vendor themselves, but we've got to get reassessment moving or else this county won't have any money to operate on the first part of 2003.

Troy Tornatta: Well, the bet is that none of the counties are going to get this done. My goal is to have our county to get this done. I think the other county Assessors are in line to get that done, and I think people want to see that. I don't think anybody is, you know, I hate to say anybody is intentionally not wanting this county to have the money, but the more time that we put off, that's the more time that we could have spent getting this job accomplished where people said we couldn't. Thank you.

President Fanello: Thank you, Councilman. Okay, if we've all remembered all the New Business—

Commissioner Mosby: That's what I was going to bring up.

President Fanello: Okay.

<b>County Engineer</b>
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President Fanello: County Engineer.

Commissioner Mosby: Better hurry, John.

President Fanello: We might think of something else.

John Stoll: First I've got a time extension request on the Burkhardt Road Project. This was submitted by J.H. Rudolph, and the original completion date for that project was last Friday. In that letter they have requested an extension until November 30<sup>th</sup>, and in talking with Bernardin Lochmueller, on the basis of the change order, the extra time required to complete all the change order work, Bernardin Lochmueller said that it's an extra 16 days that they would be entitled to, which, basically, puts the completion date at November 11<sup>th</sup>, rather than the November 30<sup>th</sup> that was requested in that letter. So, I would request that their request till November 30<sup>th</sup> be denied, and that the extension be granted until November 11<sup>th</sup>.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I've got a change order on that project. This is for an increase of \$3,460, and this was due to small overruns in pipe and nursery sodding. Then we also had to add a slotted drain on one driveway to try and intercept some runoff before it went down someone's driveway. It's requested this be approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have a letter to send to Mr. Brett Worthington, who is in, who was the owner of parcel number 23 on the University Parkway Project. This is a letter requesting that he vacate the house by December 2, 2002. It just needs the Commissioner's signature.

Commissioner Mourdock: I'll move signing of the letter.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I have street acceptance requests for Section Three and Sections Four of Bridlewood Subdivision. In Section Three this is for 559' of Wayland Court, 152' of Grassmere Lane, and 31' of Tempsford Drive. It's requested these streets be accepted for maintenance.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The other request is for Section Four of Bridlewood. That's for 561' of Wayland Court. It's requested that also be accepted.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have some agreements between Vanderburgh County and RQAW for the design of the St. George and Oak Hill intersection. This agreement is for \$65,700. This would cover intersection improvements consisting of; adding traffic signal, the northbound left turn lane, and then reconstruction, replacing a culvert on Oak Hill Road that's about 600' north of St. George Road. It would also include drainage work that would catch the water that comes down Rode Road, and caused all the concerns during the Drainage Board meetings over the past year. You might recall that it was an offshoot of all the discussions for Ivy Meadow Subdivision. Basically, the pipes coming from Ivy Meadow are larger than the downstream pipes. So, that's pretty much the scope of the work. It's requested these agreements be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request that the county chip in some money for additional houses for the flood plain issues that have come about on the east side. Basically, the FEMA maps have included substantially more areas in the flood plain than were previously thought to be in the flood plain. It's now the county and city's obligation to prove that FEMA's maps are wrong. We held a meeting this morning, it was Roger Lehman, Bill Jeffers, Pat Keepes, Bernardin Lochmueller, and Morley and Associates were all there. Roger Lehman, basically, initiated this. Basically, he'd contacted the two consultants, and they've estimated that it would cost up to \$75,000 to do the analysis to dispute the findings from the FEMA flood plain maps. Roger's proposal was that the city kick in 1/3 of the funds, the county kick in 1/3 of

the funding, and then he was going to try and get the rest from the developers who would be impacted by that out on the east side. It's, basically, a matter of we have to prove them wrong now, and that's where we're in a tight time frame too, because FEMA, basically, is allotted a 30 day comment period for them to be proved wrong, basically. So, all in all, it's expenses that we shouldn't be stuck with, and neither should the city—

President Fanello: You never heard about this one?

Commissioner Mourdock: I don't know about it.

John Stoll: —the way they've drawn the maps, we have to prove them wrong.

Commissioner Mourdock: But, is it really in our best interest to prove them wrong?

John Stoll: They have shown substantial areas of the flood plain, and everybody that's in there would be subject to flood insurance, and unnecessary development costs, and things like that. People who are included in the flood plain areas that shouldn't have been will see costs that they shouldn't necessarily be seeing—

Commissioner Mourdock: But, there have also been cases when communities have taken areas off FEMA maps, where there was flooding, and then the community ended up getting sued to big numbers for taking them off, because, in fact, the risk was there.

John Stoll: That would be evaluated through the analysis. Basically, the calculations would be submitted, and then FEMA would either approve or reject whatever studies that were submitted. There are a couple of areas, like one, there's a pipe out in Harper Ditch west of Stockwell Road that, that pipe alone shows a 3' jump in the flood plain elevations. So, there's some obstructions out there like that, that might be the culprits behind some of this.

Commissioner Mourdock: Exactly. Yeah, and if you have that type of obstruction, and it causes the flooding, is your flood insurance going to cover it anyway? That may be a broad question, but a flood isn't always a flood, if you know what I mean. I mean, there, if something happens on your neighbor's property, and it causes water to back up into your house, it isn't necessarily a flood.

John Stoll: Right.

Commissioner Mourdock: I don't know, if, in that sense, we get the benefit of FEMA. Because that's exactly my concern.

John Stoll: That particular obstruction, one of the things they are going to look at, is what the impact would be of removing it.

Commissioner Mourdock: Yeah.

John Stoll: So, I'm not sure as far as how paying out on flood insurance claims, how that would work.

Commissioner Mourdock: How will whomever we hire go about doing this? Are they just going to go out there and shoot some grades, and do some aerial work?

John Stoll: Yes, basically, what had happened was FEMA had a contract with a couple of consultants, I believe one is out of Chicago, and one is out of Indianapolis. They had gone out and taken some actual field cross sections of the major ditches, like Nurrenbern Ditch and Harper Ditch, Kelly Ditch, things like that, out on the east side. They did not go far enough out to get shots out in the fields adjacent to those ditches. So, they combined, their actual field shots with the data that was contained in the county's topographic maps from 1990. Well, since the contour interval was 5', the error was 2 ½', and that introduced the problem. At least that's what the line of thinking is right now. The shots were 2' off, I mean the contour maps were 2' off, but when you combine that with the field shots, it messed up the analysis results and set the flood plain higher than what it was. So, the thinking is that going out and getting new survey data, and that's going to be done, Bill Jeffers' office is going to do some of that as well. Getting accurate cross sections to put in their models, they'll get realistic flood plain elevations. Right now the feeling is it's too high, and that their data was flawed. The example, one of the engineers over at Morley just gave me was, out on one particular site he was working on that's, in reviewing the FEMA cross sections, versus using cross sections that their own company has shot, just by plugging in the correct cross sections, the flood plain elevations went down a foot and a half. So, he was saying that he's seen first hand the data was flawed. Whether or not it will change everything or not, remains to be seen.

Commissioner Mourdock: What's this going to cost us?

John Stoll: It would be—

Commissioner Mourdock: A third of \$75,000?

John Stoll: \$75,000, so \$25,000 would be the estimated share for the county.

Commissioner Mourdock: Oh, a quarter of the \$75,000?

John Stoll: A third of it.

Commissioner Mourdock: Oh, sorry. Okay. With some reservation, I'll make a motion to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: We'll have to come back with some sort of agreements, but at least that will get the ball rolling, and they'll know that they can proceed with getting the survey data, and knowing that it can be analyzed after the fact. Next I have a counter offer that we received on one of the parcels on Mt. Pleasant Road. This is on the Calvin Dentino parcel. The offer that the county made was \$6,175. Mr. Dentino has requested \$11,500. It's requested that this counter offer be rejected. We did not receive any kind of appraisal to justify the increased amounts.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: I want to submit this for the record. Next I also have another counter offer on the Mt. Pleasant Project. This is from the Kelley's. There's a lot more to it than the last one. Out along the Kelley property on Mt. Pleasant Road, there is a pipe that's been installed, and that pipe diverts water from a road side ditch along Mt. Pleasant into a pond behind the Kelley's house. That pipe was not part of the original drainage plan for Copperfield Subdivison. In the Kelley's counter offer, they had requested that we do an analysis of that pipe, and, basically, find out what's going in there now, and find out what's going in there after the fact. Then our design for the project is supposed to ensure that they receive, at least, that, the existing amount of water, if not more in order to keep their lake levels up. To do that analysis, Morley and Associates gave us a price of \$1,350. I would request that their counter offer be rejected on the basis that the pipe was never authorized to begin with, and that as a part of our project we would leave the pipe in place, so whatever water is getting there would, theoretically, still be getting there after the project is done, but it would be subject to they would have to sign off on something that, basically, holds the county harmless for any kind of storm water quality issues, because we know that's coming down the road. I guess, I would be concerned that the runoff from Mt. Pleasant Road could result in gas, oil, you name it getting washed in their pond, and if they want this water, we shouldn't be held responsible for any kind of water quality issues that they would have in that pond.

Commissioner Mourdock: Okay, so to follow your recommendation there, we, basically, do nothing at this point?

John Stoll: I would say we would reject their counter offer, because in doing so, then we would not be stuck with the extra \$1,350 in analysis with Morley.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Then also allow me to send a letter back that basically says that that's been rejected. What we would do would be leave the pipe in place, and then, subject to them signing off on a hold harmless on the water quality issue.

Commissioner Mosby: Motion to (Inaudible.)

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last thing I've got is I just wanted to let you know that we've sent out some notices to some contractors to have quotes submitted for slip lining a culvert on Felstead Road. Those quotes will be due in next Monday. That's all I've got.

Commissioner Mosby: Motion to send a letter.

President Fanello: He's already sent, no, he's already sent it. Thank you, John.

**County Highway**

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all Commissioner Mourdock last week asked if we would check out a wash out at the culvert between Bender Road and the 90 degree curve. We went out and looked at that. It was an extensive wash out. It is repaired. It has been completed.

Commissioner Mourdock: Very good. Thank you.

Dennis Hudnall: One other thing, we have truck 31 and 55, we're going to mount the spreaders and the plows on those in preparation for bad weather. It's that time of year. We're just going to put them on two trucks at the present time, just in case we have snow and ice on the bridges in the month of November. Besides that, you have my report. Do you have any questions?

President Fanello: Any questions? Alright. Thank you.

Commissioner Mosby: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: No report.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I've got a couple of things. I had a late travel request for the Health Department. That comes out of their budget, so, I ask that that be approved.

Commissioner Mourdock: I'll move that we add that to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I didn't have a late pink slip, but there was a change. I put a copy of that, so, just wanted to make you aware of that. Also, I need a contract with Cinergy signed. It's in the signature file. Kevin has reviewed this. This is so Cinergy can make Centrex changes to our phone system.

President Fanello: And to follow up on that, Van Ausdall Farrar will not be providing maintenance to the Civic Center anymore.

Tammy McKinney: Right.

President Fanello: For the telephone service. Cinergy is the only local provider who has the knowledge of what we have going on here. Basically, it's not an agreement for a contract amount. It's basically an agreement at set rates per hour, which I believe came in less than what we were paying Van Ausdall and Farrar.

Tammy McKinney: Yes.

Commissioner Mourdock: Okay, well I'll move approval.

Tammy McKinney: I even got it reduced more.

President Fanello: Okay. Thank you.

Commissioner Mourdock: I'll move approval of the, I guess, purchase order with Cinergy to do the phone work.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And I also need to formally move to add the second Consent Item, the one that regarded the change in hourly rate, add that to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered. Okay. Thank you, Tammy.

**Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. First thing, I guess, I have is the rates for the Discovery Lodge suggested for 2003, starting in August of next year. I had went back before the Advisory Board and discussed some of the things that we had talked about, and I gather you got them in your report. Then also, with that, we had done the rates for 2004, because as of January we will be renting out for 2004.

Commissioner Mourdock: I'll move approval of the rates as recommended by the Burdette Advisory Board.

Commissioner Mosby: Are we—

President Fanello: Well, do we—

Commissioner Mosby: —doing all these together?

President Fanello: I was going to say, I have not really had enough time to look at the Discovery Lodge rates.

Commissioner Mourdock: Okay. Alright, I'll withdraw the motion if you want to wait until next week.

President Fanello: Maybe we could just defer it for one week.

Commissioner Mourdock: That's fine with me.

President Fanello: Would that be okay?

Commissioner Mosby: Yeah, I would like to defer it for one week, because if we're going to do the upgrade to the campground and everything, like we're looking at, I don't think these rates really reflect what we're going to be doing.

President Fanello: Okay. Is that okay? So, we'll put it back on for next week. Any other—

Commissioner Mourdock: One question, I know in the packet as well, there was a letter from Mr. Austill.

Steve Craig: Yes.

Commissioner Mourdock: Just a couple of weeks ago, didn't we renew his contract for another year?

Steve Craig: No, we renewed the contract...Mr. Austill is the person that also owns the ground across from the baseball diamonds.

Commissioner Mourdock: Okay, so it's two separate things.

Steve Craig: Right.

Commissioner Mourdock: Okay.

Steve Craig: Then the batters cage, he had built them 23 years ago, I think it was, and they were supposed to revert back to the park in 2004, but he said he was getting on with his age, and the person that was buying it from him didn't want to buy it from him no more. So, he donated it to the park.

Commissioner Mourdock: Alright.

Steve Craig: Another thing that I had had that we had brought up previously before the board and that was the chalet winter discount. Something that we thought would promote more park usage in the winter was that if you rented a chalet one day, Monday through Thursday, you would receive an additional day free. If you would rent the chalets for a whole week, you would end up getting two days free. That would be, with this suggestion it would be January and February of 2003, but in the fall of next year, it would be from November through February. That would be for weekdays only. It wouldn't include weekends or holidays, because the rentals are pretty strong on them days already. That's something that you could go through with the rates and that, and we could approach next week also.

Commissioner Mourdock: Okay.

President Fanello: Are there any other questions for Steve?

Commissioner Mosby: Steve, I'm going to guess, they've got back here current rates 2003, and suggested 2004.

Steve Craig: Uh-huh.

Commissioner Mosby: Now, are we setting rates for 2003 or 2004?

Steve Craig: 2004, because as of January 1<sup>st</sup> we will be renting buildings for 2004. So, we'll have to get them approved for....we rent one year out in advance.

Commissioner Mosby: So, the rates for 2003 are already set?

Steve Craig: Yes. They've been—

Commissioner Mosby: Okay, then the Advisory Board needs to be going back and looking at the campground, because these rates are not going to go for 2003. I mean, if we're going to spend that much money up there upgrading the campground—

Steve Craig: Right. I understand what you're saying. We're putting that money in there to put the larger services, and bring it up to standards.

Commissioner Mosby: Right, but we're going to have to raise them rates.

Steve Craig: Well, we can do that. I mean, we, at the time when these were set a year ago to the date, we didn't have any idea that we would be upgrading it. So, we can go back before the board.

Commissioner Mosby: I guess we can deal with them—

President Fanello: Okay.

Commissioner Mosby: —next week.

President Fanello: We'll defer it for one week. Thank you, Steve.

Steve Craig: Thank you.

#### **SWCD & Ozone Officer Report**

Commissioner Mourdock: I'll move we add the Soil and Water District and the Ozone Officer's Reports to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### **Consent Items**

Commissioner Mourdock: With the two addendum, addenda items added to the Consents, I would move approval of Consents.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And one question for scheduled meetings, we have deferred acting on whether or not we want to meet the Monday prior to the election. I'll bring that up again.

Commissioner Mosby: Fine with me if you want to cancel.

Commissioner Mourdock: Okay. I would move that we...is that alright?

President Fanello: Yeah, go ahead.

Commissioner Mourdock: I would move that we not meet on Monday evening, November the 4<sup>th</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Does that need to be advertised?

Kevin Winternheimer: No, just notify the media. You can fax them or however you do it.

Commissioner Mosby: We're not, we're not--

President Fanello: They seem very happy about it right over here.

Commissioner Mourdock: --going to be...we're notified.

Commissioner Mourdock: Before we adjourn, we do have zoning's meeting scheduled for tonight, however, there are no zonings.

President Fanello: There are no zonings.

Commissioner Mourdock: We do, I think, need to act to go ahead and approve the minutes--

President Fanello: Right.

Commissioner Mourdock: --from the previous meeting.

President Fanello: So, I guess, go ahead and close this meeting--

Commissioner Mourdock: Right.

Commissioner Mosby: Oh, okay.

Commissioner Mourdock: I'll move that we adjourn the Commission meeting.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:50 p.m.

**CONSENT ITEMS:**

**Travel Requests:** Health Department

**Employment Changes:**

County Clerk	Armstrong Assessor	Knight Assessor
VCCC	Sheriff Department	Center Assessor
Prosecutor		

**Requests for Service:** Center Assessor

**Sheriff:**

Weekly Jail and Community Correction Reports.  
Pass Through Grant Extension for DUI Grant.

**Building Commission:** House moving request.

**DADS:** Contract for Services: Simon Leon, Interpreter/Translator

**Treasurer:** Submit Monthly Report.

**Commissioner:** Cinergy Contract: Telephone Service.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Alan Teeple
Will Fosse	Mike Duckworth	Danny Leek
Dennis Woehler	Troy Tornatta	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 28, 2002**

The Vanderburgh County Board of Commissioners met in session this 28<sup>th</sup> day of October, 2002 at 5:34 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Board of Commissioners meeting, October 29<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of October 21, 2002 Commission Minutes**

President Fanello: Do I have approval of the October 21<sup>st</sup> minutes?

Commissioner Mourdock: So moved.

President Fanello: Second, and so ordered.

**Permission to Advertise Surplus Properties**

President Fanello: Tammy McKinney, permission to advertise surplus properties.

Tammy McKinney: I need permission from the Commissioners to advertise the surplus properties to be auctioned off on November the 13<sup>th</sup>.

Commissioner Mourdock: So moved.

President Fanello: Second, and so ordered.

Tammy McKinney: Also, I need permission to hire the Sohn and Associate auctioneer. They are the auctioneer that did the property surplus auction last year at the same fee of \$750.

Commissioner Mourdock: So moved.

President Fanello: Second, and so ordered.

**Open Quotes for Felstead Road Culvert #614 Sliplining**

President Fanello: County Engineer, permission to open quotes for Felstead Road Culvert #614.

Kevin Winterheimer: I have one bid. Any bids from the audience? Seeing none.

Commissioner Mourdock: Seeing none, I will move we open the bids for Felstead Road.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winterheimer: The one and only bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total is \$21,380. They've provided an alternate quote to provide and install a 66" UNTRA FLOW aluminized steel pipe of some type. That alternate is \$17,760. That's the only bid I have.

Commissioner Mourdock: I'll move we take that bid under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Contract for Utility Service: Burdette Park**

President Fanello: Next item is Burdette Park, contract for utility service. Kevin, have you reviewed that?

Kevin Winterheimer: The, uh, yes, it's fine.

President Fanello: Okay. Are there any questions?

Commissioner Mourdock: I just want to be sure, it's the one we're looking at, this is the one that is by Vectren, doesn't mention the park, specifically, but to Vanderburgh County?

Kevin Winterheimer: I believe so.

Commissioner Mosby: 5301-

President Fanello: Yes, do we need to have that mentioned? Well, it's got the address, so.

Commissioner Mourdock: Oh, you're right, it does have the address. I didn't see that.

Commissioner Mosby: I will make a motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Communication System Agreement with Motorola:  
Sheriff Department**

President Fanello: Sheriff, communication system agreement. Or Eric.

Eric Williams: The contract you have is the contract with Motorola to provide the data radio capabilities for our NBC project, which is a sub-set of P42, and it has been funded.

President Fanello: I assume the County Attorney has reviewed?

Kevin Winternheimer: Yeah, it's fine. They need to add the Vanderburgh County. They've got City of Evansville in there on the cover page. So, with the change to Vanderburgh County on the cover page, it's fine.

Eric Williams: Yeah, we'll take care of that tomorrow.

President Fanello: Okay.

Commissioner Mourdock: With the change noted, I would move approval.

Commissioner Mosby: Second.

President Fanello: So ordered.

<p><b>Second/Final Reading of Ordinance to Vacate Drainage Easement: 5945 Mesker Park Drive</b></p>
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President Fanello: County Attorney, second and final reading of ordinance to vacate drainage easement.

Kevin Winternheimer: Yes, I've heard no comment on this, and if there's no one in the audience that wants to comment on this drainage easement, I would recommend approval.

President Fanello: Is there anyone in the audience wishing to address this?

Commissioner Mourdock: Seeing none. On final approval, or on final reading, I would move to approve.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: You need a roll call. That's an ordinance.

President Fanello: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. So ordered.

**Barry Goldberg: Gartner Consulting**

President Fanello: Barry Goldberg, Gartner Consulting.

Barry Goldberg: Good evening, and thank you. On behalf of Gartner Consulting, I just wanted to thank the Commission, and the County of Vanderburgh for the opportunity to do some work here in the county. We'll be doing an assessment of the IT/Computer Services here in the county, and helping make some decisions about how computer services will be provided in the future. We thank you for that opportunity.

President Fanello: Does anyone have any questions? I did attend the executive meeting at 2:30, and it was attended by five representatives from the city, and, I think, five or six from the county. And it was, from what I was there, I was late, but it seemed like a very productive discussion.

Barry Goldberg: Thank you.

President Fanello: Thank you, Barry.

**2003 Rezoning Meeting Times Set**

President Fanello: Commissioners, set meeting times for 2003 rezoning meetings. What do we need to do? What time, I think we had an issue with the rezonings this year, what did we do, set them at 7:00?

Commissioner Mourdock: They were advertised, I think, for 7:00 through the entire year.

Kevin Winternheimer: It was my suggestion that we make it an agenda item for our 5:30 meetings, and then if we run, if we're done early, we don't have to sit here until 7:00. Also if they are somewhere up on the agenda, the APC staff doesn't have to be running back and forth between the city and here. They can attend here, and then go over to the city later, they meet at 6:30, I believe. So, if you make it an agenda item, rezonings, you can take them up whenever you want at 5:30, instead of having to wait until 7:00.

President Fanello: How does everyone feel about that?

Commissioner Mourdock: The only cautionary word I would give, and, obviously, it doesn't affect me directly, but it is, the concern I have is what you just expressed, Kevin, because sometimes APC does run back and forth. I think, historically, and this was before I came on the board, I think, historically, the meeting was set up separately to give them better flexibility to go back and forth. So, have you, or, Catherine, have you spoken to APC as far as what their wishes are.

President Fanello: I have not had a chance to speak with them.

Kevin Winternheimer: I haven't either, but if we move it up, I think your, they're just here earlier rather than later, and, I think, probably, have a tendency to avoid the conflict, rather than create it.

Commissioner Mourdock: Okay.

President Fanello: Can it–

Kevin Winternheimer: They will already be here.

President Fanello: Can it be just like the drainage board, just immediately following?

Commissioner Mourdock: No, it can't. As I understand it, and maybe Madelyn knows, I think it has to be advertised–

Kevin Winternheimer: Yes, yeah.

Commissioner Mourdock: –at a certain time.

Kevin Winternheimer: I was going to say, and the reason is, that's the way the city does, they make it part of their regular agenda, and then, you know, they can–

President Fanello: Okay.

Kevin Winternheimer: –set it whenever it comes up as an agenda item.

President Fanello: Okay.

Commissioner Mourdock: Well, you always have the flexibility of changing it later. It's just another set of advertising into next year sometime. So, I have no particular motion here, no dog in the fight, but I'll move that it be listed as a regular agenda item at the 5:30 meetings for calendar year 2003.

Commissioner Mosby: I'll second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time? Sondra.

Sondra Matthews: Good evening. President Fanello and other members of the Commission. I'm here as the publisher of Our Times newspaper. Wondering what would I have to do to have legal notices placed in my newspaper? As the only other general interest newspaper in the tri-state area, specifically, Evansville. Also there was a lot of confusion during the primary, because of changes in the polling places. I think that if polling places, the advertisement length, or advertising was placed in Our Times newspaper, there would be less confusion, giving people plenty of time to find the polling places. We have paid circulation. We go into about 5,000 households, all the banks and industries receive our newspaper. We think that it would be an accessibility issue for a lot of people who don't read the daily newspaper. Specifically, do not read the legal section of the daily newspaper, and would have that opportunity if the Commissioners would place...we have a paper, a special edition that goes out this Friday, on the election, and I would like to see that placed in our newspaper. Our deadline is Thursday, and I wish the Commissioners

would include Our Times newspaper for the, at least for the polling places, and some other things in the future.

President Fanello: Okay. Kevin, is there, what are the rules about advertising in newspapers? Are there any specific—

Kevin Winternheimer: Let me first say that publication in any newspaper is at the discretion of the Commissioners. You are required to publish in what's called a qualified newspaper. The only qualified newspaper, right now, is the Evansville Courier and Press. You have to, to meet the eligibility for being a qualified newspaper, you have to publish at least weekly. I believe your publication is every other week, isn't it?

Sondra Matthews: Well, I don't know if Mr. Mosby might even remember this, the City Council had already gone through the statutes, the state statutes, and had deemed our paper a qualified newspaper. So, the city has gone through that, and we are qualified—

Kevin Winternheimer: Well, I—

Sondra Matthews: —as a paper, because there is no other general interest newspaper in Evansville.

Kevin Winternheimer: I mean, how often does it come out?

Sondra Matthews: Every other week.

Kevin Winternheimer: Okay. Well, then they don't meet the statutory requirement for being a qualified newspaper. You have to—

Sondra Matthews: But there is another section in there, if there is no other paper—

Kevin Winternheimer: Well, we have the Evansville Courier and Press.

Sondra Matthews: I mean, besides the daily, if there is...because the way I understand, you are supposed to publish at least twice in two different publications, if they are available. I don't have the statute in front of me that the City Council passed on, but that came up, and they found another section that qualified us.

Kevin Winternheimer: I'm not familiar with that, but, in any event, we publish in the Evansville Courier and Press, as we are required to do. Of course, it would be at your discretion if you wanted to publish in the Our Times.

President Fanello: Okay. Any of the other two Commissioners have any thoughts?

Commissioner Mosby: Are we changing any polling places? Or just the one in the third ward? Is that the only thing we're changing?

Sondra Matthews: Well, the confusion came in the primary when there were changes.

Commissioner Mosby: Right. That's when we combined a lot of the—

Sondra Matthews: Right.

Commissioner Mosby: –precincts.

Sondra Matthews: Right. Right, and a lot of people, you know, did not vote in the primary. Hopefully, they will vote in the fall election. So, we have more people, hopefully, more interested in finding out where those polling places are.

Commissioner Mosby: You've got one, you say you've got an edition that comes out this Friday?

President Fanello: Uh-huh.

Sondra Matthews: Correct.

Commissioner Mosby: Deadline on Thursday?

Sondra Matthews: Right.

Commissioner Mosby: I would make a motion that we go ahead and advertise.

President Fanello: The polling places?

Commissioner Mosby: Put a notice in the Our Times.

President Fanello: Okay.

Commissioner Mourdock: How does your rate compare to what we've been doing, Sondra? Do you have any idea?

Sondra Matthews: Well, I'm sure my rate is–

President Fanello: I think she is probably a lot less expensive.

Commissioner Mosby: It's negotiable, right?

Sondra Matthews: –a lot less expensive than the Evansville Courier. Present company excluded, of course. I do have rate card here, if you want it.

Commissioner Mosby: It's negotiable, right?

Sondra Matthews: Pardon me?

Commissioner Mosby: It's negotiable.

Sondra Matthews: Yeah, I have a rate card here. I would be glad to leave it with you.

President Fanello: Would you do me a favor, and leave one with Tammy up here for us. It couldn't be any worse.

Commissioner Mosby: From what I've heard.

Commissioner Mourdock: David, your motion, and I'm trying to keep the path free here for whatever happens next year. Your motion is, was specific to—

Commissioner Mosby: My motion is to go ahead—

Commissioner Mourdock: —next Friday.

Commissioner Mosby: —and advertise all the changes, even the changes we made in the primary, because of the confusion, and what had happened when we combined some of the precincts and moved polling places. So, not to just advertise the one change, it's to advertise all the—

President Fanello: All the polling places.

Commissioner Mourdock: Alright. I'll second.

President Fanello: Okay. So ordered. We'll encourage the board to, or I will encourage the board to look at that in the future also.

Sondra Matthews: Right, I would support that you do that, because we will be seeking more opportunities with the county and the city as a part of the Women and Minority Utilization Program.

President Fanello: Yes.

Sondra Matthews: Thank you very much.

President Fanello: Thank you, Sondra.

Madelyn Grayson: Sondra, do you have, can you leave a business card? Or can I e-mail the ad to you possibly?

Sondra Matthews: Sure. I'll give you the rate card.

Madelyn Grayson: Okay. We're running the exact same ad that we ran in the Courier, right?

President Fanello: Uh-huh.

Madelyn Grayson: Okay.

President Fanello: Is there anyone else in the audience wishing to address the board at this time?

**Old Business**

President Fanello: Okay, moving on to Old Business. Is there anyone who has any Old Business? I just have one small piece of Old Business. Last week we had, the Commission office had made a public records request, as we're trying to sift through the health insurance information, and that information was, I believe, provided to me

on Thursday, and then some additional information on Friday. Sandie Deig from the Council office had responded to her part of the public records request, and she outlines the steps that she went through, which pretty much mimic what I thought she would do, but, unfortunately, they were not able to provide the supporting documentation behind their calculations, because, as she states in the letter, she goes, after the County Council approves the budget, there is no reason for me to keep the calculator tapes. So, unfortunately, she's not able to go through the figures with me, so, I can't really complete my own personal analysis of the health insurance. That's kind of where we're at right now. So, I don't know if anyone else has any questions, but....any questions? So, at best, I have information that, you know, I've been working with, but, unfortunately, we can't get to the point where we can look at the supporting documentation. Hopefully, you know, next year the Council will work with the Commission, and vice versa to make sure that each knows what the other is doing. That's important, and I encouraged that this year, early in the year, but that did not happen. I do hope that it will happen next year, and that way everyone knows, everyone is singing from the same page, so. Is there any other Old Business?

Commissioner Mosby: The Sheriff (Inaudible).

Brad Ellsworth: Good evening, Sheriff Brad Ellsworth. I think this falls under Old Business. On the trip to the Department of Corrections, I think that the last agreement was that Mr. Winnecke from the Council, and Commissioner Fanello and myself would try to set up a meeting with the DOC again. I talked to Joe Fistrovich today, he's been in contact with Robert Ohlemiller, he's trying to coordinate some days between the four gentlemen up there, and he said he should be able to e-mail me some dates by the end of this week. I'll get with Mr. Winnecke and Commissioner Fanello as soon as he gets those, and try to coordinate that again.

President Fanello: Alright. Thank you, Sheriff.

Commissioner Mosby: Thanks.

**New Business**

President Fanello: New Business, is there any New Business? No New Business. Department head—

Commissioner Mourdock: There's someone right there.

President Fanello: Does someone back there have New Business?

Commissioner Mourdock: Maybe not.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First item I've got is a maintenance agreement for the copier in our office. The fee would be \$17 a month, and the agreement term is 36 months. It's a total of \$612. I've had Kevin review the agreement, and he's okay with it, and would request that it be approved.

Commissioner Mosby: Motion to approve the agreement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Second, I've got a storm sewer acceptance request for Stonecreek Subdivision, Section One. This is for numerous pipes, basically, we've got 12", 15", 18", 21" pipes located outside streets rights-of-way. The total fee submitted by the developers was \$2,552, based on the \$2 a foot requirement in the ordinance. It's requested these be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last item I've got is a counter offer on parcel number 20 on the Mt. Pleasant Road Project. This is the property owned by David and Virginia Whitmer. In their counter offer, they have requested the county pay them \$38,047, and they have also requested some design changes as a result of the items numbers one through five shown on the letter. The original offer the county made was \$7,800. Given the fact that they've not given us any kind of appraisal to justify their increase to \$38,000, \$38,047, it's requested that this counter offer be rejected. Also in regard to the design changes, we're too far into the project now to go back and make design changes now to accommodate, mainly, item number one. He's asking for no surface drains be installed in the right-of-way in front of his house. To do that would necessitate, probably, lowering the grade of the entire roadway. That, in turn, would change the right-of-way requirements for numerous properties, not just this one. So, we would, in effect, be starting over on numerous parcels, not just the Whitmer property. So, on the basis of all that, I would request that this counter offer be rejected.

Commissioner Mosby: Motion to reject.

Commissioner Mourdock: Second.

President Fanello: So ordered. Sorry. So ordered.

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

Commissioner Mosby: I don't.

President Fanello: Thank you, John.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is to ask if you received my report for this week, and if you have any questions.

Commissioner Mourdock: Yes, we did, and no, we don't.

President Fanello: Right.

Dennis Hudnall: Is that it?

President Fanello: Thank you, Dennis.

Commissioner Mosby: Thank you, Dennis.

Dennis Hudnall: Thank you.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Just two brief items. First, there was a question raised about signage at the Old Courthouse. I was furnished with a copy of the lease, the lease provides that any lettering, or signage, or anything else that's visible from common areas, or from the outside, is not permitted, without the landlord's specific approval. So, that's where that stands. Secondly, I need to have an Executive Session at your next meeting, which would be two weeks. We have some offers to discuss, and some condemnations. So, I would request an Executive Session, I guess, for 5:00, in two weeks.

President Fanello: Okay. Can we go ahead and make that for a variety of issues, in case we have—

Kevin Winternheimer: Okay.

President Fanello: —personnel or real estate matters come up.

Kevin Winternheimer: Probably.

Commissioner Mourdock: Two weeks takes us into Solid Waste, doesn't it?

Tammy McKinney: Right.

Commissioner Mourdock: Well, no it wouldn't either. That would be the first....yes, it would. Yes, it would.

President Fanello: Yeah, it would.

Commissioner Mosby: I was going to say, there's a calendar behind there.

Commissioner Mourdock: Yeah.

President Fanello: Oh.

Kevin Winternheimer: Well, in that case, maybe we need an hour, whenever we can get it.

Commissioner Mourdock: How urgent? Do we need it before Solid Waste next time?

Kevin Winternheimer: I'm not sure. What time is the Solid Waste meeting?

President Fanello: 4:30.

Commissioner Mourdock: 4:30.

Kevin Winternheimer: Till 5:00?

Commissioner Mourdock: Till 5:30.

Kevin Winternheimer: Till 5:30? We'll probably have to do it before.

Commissioner Mourdock: For an hour?

Kevin Winternheimer: Or at least 45 minutes. How about that?

Commissioner Mosby: Well, let's go ahead and do 3:30—

Commissioner Mourdock: Yeah. I don't want to leave the other topic, so, we'll come back to that, but, I'll move scheduling of an Executive Session for 3:30 on November 11<sup>th</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Okay.

Kevin Winternheimer: That's all I have.

Commissioner Mourdock: Going back to your report on the Old Courthouse. Since, and I presume, Tammy, as Superintendent of Buildings, you did not give authority prior to posting of those signs, as such authority would have needed to come through this board anyway. So, I would move then that we draft the letter, and ask all parties in the building to adhere to the terms of their lease, and immediately remove signs from the windows.

Tammy McKinney: With that letter, do you want me to draft, being Superintendent, or have Kevin?

Commissioner Mourdock: I think either would be fine. You can certainly do it. I mean, it's simply a matter of restating, as Kevin said, what's in the lease, and it's only proper that we expect our tenants to obey the terms of the lease.

Kevin Winternheimer: I'll do a form letter, and if there's, I don't know if there's more than one or not, but—

President Fanello: I would just say, in order to be fair, we send it to every tenant.

Kevin Winternheimer: Okay. I'll do a form letter, and you can send it out.

Tammy McKinney: Okay.

Commissioner Mourdock: (Inaudible. Talking over each other.) Is that right? Okay. So, I move the sending of that letter.

Commissioner Mosby: You sure you don't want to take it under advisement?

Commissioner Mourdock: I was born at night, but not last night, David.

Commissioner Mosby: I'll second the motion.

President Fanello: So ordered.

Commissioner Mosby: I couldn't do without saying—

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have a couple of late items. I have two late pink slips, and two late travel requests—

President Fanello: Okay.

Tammy McKinney: —that need to be added to the Consent items.

Commissioner Mosby: Motion to add the late items to the Consent agenda.

Commissioner Mourdock: Second.

President Fanello: So ordered. Anything else? Thank you, Tammy.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. Our advisory board met at their last meeting, and recommended some rental rates for, not only the O'Day Discovery Lodge, but all of the other buildings. I would like to ask that this be addressed by the county, or the Commission at next—

President Fanello: The next meeting.

Gary Hohman: —meeting, due to the fact that we are needing to get these placed in to the computer. We already have a waiting list of people requesting the O'Day Discovery Lodge just as soon as rates have been approved.

President Fanello: So, we will put on the agenda for November 11<sup>th</sup>. Tammy, would you make sure that's on the agenda.

Gary Hohman: Other than our work report, that's all I have tonight.

President Fanello: Catherine, I presume when you say put it on the agenda, as something–

President Fanello: Actually a separate item to remind ourselves that that's something we need to do, so.

Commissioner Mourdock: –yes, alright.

Gary Hohman: Thank you.

President Fanello: Thank you, Gary.

Commissioner Mosby: Thank you, Gary.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: And seeing no one here from Soil and Water, I'll move acceptance of Soil and Water and the Ozone Officer's Report.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

President Fanello: Consent Items. I do have one that I feel like we'll need to remove. The Auditor has requested an additional phone line. We just do not have the budget, at this time, to support any additional phone lines for anyone. So, I would ask that that be removed.

Commissioner Mosby: I'll make a motion to remove the additional phone line.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: And with the several additions, and that removal, I would call for approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **New Business Revisited**

President Fanello: And before we leave the agenda, under New Business, I forgot to mention that Wayne Moore is here from Manatron. He's here in case anybody has any questions about reassessment. I think there, I don't know if everyone has received correspondence, but I received some correspondence from the Assessor's office. Councilman Tornatta spoke about it last week, regarding the use of the

software, versus hiring an outside consultant. If anyone has any questions, Wayne is happy to answer those questions tonight.

Wayne Moore: I'm just, exactly as you say, here to answer any questions.

President Fanello: And I don't know if anyone does or not.

Wayne Moore: We've been your, we're not here to sell you anything. We've been your software supplier for eight years, for the assessment software. There's been some confusion—

President Fanello: Right. I think, the biggest confusion, and I think you've spoken, at length, with Councilman Tornatta, and I just met you this afternoon, so I haven't spoken to you about it, but he was telling us that he was a little confused on why we were hiring a consultant. That he thought that someone could come in and train, I think, train the Assessors to use the ProVal software to do what needed to be done. Do you have any insight into that?

Wayne Moore: The capabilities are within the software. Whether you hire a consultant, or do it in house. The capability to do the mechanical parts of the process are part of the program that you've already paid for. As far as the question of whether someone can be trained or not, that depends on the individuals involved. We are, under our current contract, we're able to provide per diem additional training.

President Fanello: And what is the cost of that training?

Wayne Moore: Standard training is \$600 per day.

President Fanello: Do you have any idea, and I know this...how long it would, what we're looking at, as far as training? If we, if the Assessor was to go that route?

Wayne Moore: Typically, working with one individual, probably a week. So, it depends on how many townships are involved—

President Fanello: Uh-huh.

Wayne Moore: —and that sort of thing. However, we're not training them on judgement, and all that sort of thing. All we're doing is training them how to use the software. I think in Indiana there's a lot of apprehension, at this time, because it's a new process. So, many of the Assessors feel like they would like to have some help. So, there's probably several firms that could provide that. Manatron has a division called Saber that's an appraisal company. It's been in business for 30 years. It has people that can do that. We don't do it ourselves. We're the technical, software people. We only ask that the work be done inside of the software you already have. Otherwise if you export data out, and try to do it outside of the system, and then come back into the system, it just gets messier than trying to use what's already there.

President Fanello: So, you're saying even if an outside consultant was hired, they would need to perform the calculations within our software?

Wayne Moore: That was what we would recommend. Also in the e-mails that you mentioned, we... I think there's some references to whether the final equalization can be done within the software. That's where it has to be done.

President Fanello: Uh-huh.

Wayne Moore: Your contract for support provides that we have to modify the software to do what's required by the state. So, whether or not the exact procedure is there now, we believe it is, however, there could be small, technical changes that would have to be made. Because the Department of Local Government Finance is new in this too. So, typically, it's a learn as you go process.

President Fanello: Uh-huh.

Wayne Moore: But, we're committed to make whatever changes are necessary. We have over 250 using jurisdictions across the United States, that are using the software. It's not something experimental or anything. So, I just wanted to be sure that's clear. As a matter of fact, if you have any questions, we would be glad to answer them. I'll leave my card for Kevin.

President Fanello: Okay, I appreciate it.

Commissioner Mourdock: I do have just one broad question.

Wayne Moore: Yes, sir.

Commissioner Mourdock: I know you're working, probably, in what, 80% of Indiana counties? Manatron?

Wayne Moore: Yes. Or 60 plus counties out of the 92. So, 70%.

Commissioner Mourdock: Okay, not too far off. How are the other counties doing? Do you have any sense of where we are versus other counties?

Wayne Moore: There's—

Commissioner Mourdock: Are there any that are really well out ahead of the rest of the pack?

Wayne Moore: There are some doing it themselves. There is probably more that are using some sort of consulting assistance. I would advise that when you do that, have the Assessors involved in the process, so that they can learn it, so that you don't have to use an outside consultant all the time. I've seen in our user meetings, we just had one the end of August, a lot of apprehension, because they've not done it before.

President Fanello: Are there any other questions?

Commissioner Mosby: I don't have a question for this gentleman. What did we send the guy to school for, down in Cheryl's office?

President Fanello: Oh, that was more on computer training. Not really, I don't think really having to do—

Commissioner Mourdock: Right.

President Fanello: –with the reassessment software.

Commissioner Mourdock: Right.

President Fanello: It was more on him being able to take care of the computers, in general, as far as trouble shooting problems.

Wayne Moore: We did have several people from the county attend our user conference in St. Louis about a month ago, which covered many of these subjects we're talking about, which is beneficial. Anything else I can try to answer?

President Fanello: No. We'll probably have questions later.

Commissioner Mourdock: Leave me one of your cards too, if you would please.

Wayne Moore: Yes, sir.

Commissioner Mosby: Thank you.

President Fanello: One more thing that I forgot to mention, I am working on getting quotes on someone to do the work on the TIF district. I'm waiting for some quotes to come back, and, hopefully, I'll have those back by the November 11<sup>th</sup> meeting. The deadline, I believe, had been quoted earlier as November 15<sup>th</sup>, but that deadline has been extended to December by the state, so.

Commissioner Mourdock: It was what?

President Fanello: It was the mid-November, but–

Commissioner Mourdock: It's now December.

President Fanello: Right.

Commissioner Mourdock: Okay. Speaking of things that might need to be mentioned that weren't on the agenda, and otherwise coming back to, have you heard anything more from the Baker Daniels folks on the personnel policy manual? I had gotten an e-mail, they were sending the draft copy, but I haven't seen...have we printed it up? Or have you gotten it?

President Fanello: Yeah, you were, I thought you were given a copy. I thought that's what you were working from. You mean after you made the changes?

Commissioner Mourdock: After I made the changes.

President Fanello: Oh, I don't think–

Commissioner Mourdock: They sent me an e-mail.

President Fanello: –so, because I haven't even sent my changes...I haven't sent my changes in yet, and I don't even know, Commissioner Mosby, have you had a chance–

Commissioner Mosby: I haven't either.

President Fanello: Okay.

Commissioner Mourdock: They got back to me on my changes--

President Fanello: Okay.

Commissioner Mourdock: --incorporated some, and we discussed the others.

President Fanello: I was working on my today a little bit, but, hopefully, we'll have that by November 11<sup>th</sup> also. I don't think there's anything else we've forgot. Do I have a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:06 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department                      Commissioners

**Employment Changes:**

Treasurer                                      Recorder                                      Prosecutor  
Center Assessor                              Burdette Park

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Health Department:** Commitment for Abbott Laboratories.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Eric Williams	Barry Goldberg
Sondra Matthews	Brad Ellsworth	John Stoll
Dennis Hudnall	Wayne Moore	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
NOVEMBER 11, 2002**

The Vanderburgh County Board of Commissioners met in session this 11<sup>th</sup> day of November, 2002 at 5:31 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, November 11<sup>th</sup>. Good evening, and welcome to the meeting.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right Patty White; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; newly elected County Auditor, Bill Fluty; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of October 28, 2002 Commission Minutes**

President Fanello: Do I have approval of the October 28<sup>th</sup> minutes?

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Approval of November 11, 2002 Executive Session Summary Minutes**

President Fanello: Executive Session summary minutes?

Commissioner Mourdock: I'll move approval of tonight's Executive Session, or this afternoon's that began at 3:30, ended at 4:15, had the three Commissioners present, plus the County Attorney and Mr. Fluty. Our sole items of discussion were the acquisition of real estate, and pending litigation.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Open VC-036-2003:  
Transportation Services for Office of Family & Children**

President Fanello: Phil Lawrence. There you are. Good evening. Permission to open transportation services for office of family and children. I guess, are all of these need to be opened.

Phil Lawrence: Yeah.

President Fanello: Is that what we have here?

Phil Lawrence: Only one is open, the rest of them I'm reporting on that were opened at-

President Fanello: Alright.

Phil Lawrence: -the Board of Public Works this morning.

President Fanello: Okay.

Phil Lawrence: It's not me.

Kevin Winterheimer: In any event, I have one bid. Are there any from the audience? If not, I'll open the one bid we have. That's on the transportation services. Okay, the one bid is from River City Yellow Cab Company, Inc. of Evansville. I guess, it was bid on rates of fare. Item number one, rate of fare \$10 for up to four passengers per one way trip. Item number two, rate of fare of \$20, an hourly rate for trips which pick up, at a pick up point, and go to one destination, wait, and return to the original destination. Item number three, a charge of \$5 for each en-route stop to drop off or pick up an additional passenger. Item four, for out-of-county trips, the charge will a dollar and a half per mile, between the Vanderburgh County line and the pick up point, plus \$10. Item five, a charge of \$3 for each trip where a vehicle is dispatched inside Vanderburgh County, and the rider does not ride after scheduling. I believe that's it. We only had the one bid.

Commissioner Mourdock: I'll move that we take it under consideration.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Opening of Bids for:**  
**APA008-2003: Batteries; APA017-2003: Guardrail and Concrete;**  
**APA004-2003: Gasoline and Fuel Oils; APA006-2003: Oil Products;**  
**APA025-2003: Commercial Fueling**

Phil Lawrence: The others that I have printed out the synopsis of what happened at the Board of Public Works meeting this morning. Those bids, as well, were taken under advisement. The batteries bid, there were two; Evansville Battery and Holder Battery. Guardrail was four bidders; CPI Supply, J.H. Drew, M & W Concrete, and St. Regis Culvert. None of those gave us total bid prices. That's the reason why they are not listed. APA4, Gasoline and Fuel Oil, as you can see there were four bidders; Heritage Petroleum, Posey County, Petroleum Traders, and Busler's. Busler's gave us no bid. APA006-2003, Oil Products, five bidders; Busler's, Heritage Petroleum, Goede Oil, Valor LLC, Tru-Blood Lube. The Commercial Fueling, APA025-2003, there were five bidders; Fleet-One, which is the current supplier, Heritage Petroleum, C.E. Taylor, and Professional Fleet.

Commissioner Mourdock: Were all those bids, Phil, bid on a fixed cost?

Phil Lawrence: Yes.

Commissioner Mourdock: With a similar escalator all the way through?

Phil Lawrence: All the way through.

Commissioner Mourdock: So, everybody's bidding the same packages, based on what they are charging today, effectively?

Phil Lawrence: Yes.

Commissioner Mourdock: Okay.

Phil Lawrence: And all of them listed their...we did it a little differently, we had them list their commission on the bid, so that we know exactly what they're making.

Commissioner Mourdock: Okay. You said these all went to Board of Public Works today, so you, basically, just need us to take these under advisement as well?

Phil Lawrence: Yes.

Commissioner Mourdock: Because they are joint bids.

Phil Lawrence: Yes.

Commissioner Mourdock: Okay, I would move that we take under advisement APA008-2003, for batteries; APA017-2003, for guardrail and concrete; APA004-2003, for gasoline and fuel oils; APA006-2003, for oil products; and APA025-2003, for commercial fueling.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Okay.

President Fanello: Thank you, Phil.

#### **Burdette Park 2003-2004 Rates**

President Fanello: Our next item is Burdette Park for the rates, and, if you don't mind, could we do that under department head reports? Because I understand we have individuals in the audience who are wishing to speak. Is that okay, Steve? We can do it under your department head report?

#### **Alan Teeple: Fidler Contract**

President Fanello: The next item, which I think is fairly quick, is the Fidler contract.  
Alan Teeple.

Alan Teeple: Alan Teeple, Computer Services. You should have in your packets, and it's already been reviewed by Kevin, Fidler's contract...that's never happened before. Fidler's contract for implementation and upgrade of the current software. It is in the Recorder's Perpetuation Fund, so it's not money that we have to go out and find. So, I ask for your approval of it.

Commissioner Mosby: Kevin?

Kevin Winternheimer: I've reviewed it. I had no problem. It's fine.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Alan Teeple: Thank you.

President Fanello: Thank you, Alan.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time?

Madelyn Grayson: Phil, do you have one of those for the record?

Phil Hoy: I'll give you a copy for the record. Phil Hoy, Vanderburgh County Council. Mr. Raben, the Finance Chair of the County Council, could not be here tonight. I've been asked to read this letter. I will tell you that, before I read it, and I will comment on it, perhaps, and there may be some other people here that want to comment on it. I agree with the content of the letter, and, I think, you may find that the majority of the County Council, if not all of us, agree on the content of the letter.

On behalf of the Vanderburgh County employees, I again respectfully request the county employees be offered their existing insurance plans for 2003. The County Council approved sufficient funds to fully pay for the existing health insurance plans for the employees, with the employees contributing 8%, the same as 2002. This proposed change of insurance will be devastating to some of our county employees, and a hardship on a number of others. In delaying this change the employees would be given more time to make this important decision, and would afford time for the County Commission to seek outside, competitive bidding for the health insurance plans. The employees enrolled in the traditional plan were not given any warning that their entire plan would be dropped. The employees enrolled in the Anthem Preferred Blue were not informed that they could no longer use their physicians until last Thursday. You are currently in negotiations with the Teamsters, and, in my opinion, the only way to bring these negotiations to a close is to reinstate benefits and not cause further disruptions to their members, or this county. Again, we must delay these changes to allow the county to explore other avenues, which can result in cost savings for the county, such as new or additional providers. In closing, again the total funding for the current health plans has been approved for 2003, and by delaying this change it will give you the opportunity to seek further cost saving measures.

I would add to this that each year, and I'm in my tenth year, tenth budget, we have always not only appropriated the funding for the insurance in full, but it has been checked very thoroughly, and there will be some money in reserve. I know that's always a question that comes up. I would add to this letter that I agree with the content of the letter, and I hope you will consider delaying this decision. I do think health insurance is the most important benefit that we offer. We have some fine county employees. One of the things that helps us to keep county employees is to offer good benefits, which we do, which we fund. It may sound strange to say this, but I think by funding benefits, adequate benefits, we actually make a conservative move, fiscally conservative move, because we keep a good work force in tact. My own experience for 14 years at the Tri-State Food Bank was to offer health insurance coverage, and retirement coverage, which few charities offer. It enabled us as a charity to maintain continuity of good employees. There is usually a big turnover, because our wages were not terribly high, but the benefits were excellent, and that helps keep good employees on board. So, I hope you will give consideration to this. I'm open to any questions you may have.

President Fanello: Thank you, Councilman Hoy. Well, I'm going to address a couple of issues first. The first item being the bidding for the health insurance plans. The insurance is bid out every year, as Dennis Woehler can attest to, and has attested to in the Commissioner meetings. He is the agent, and the agent only, but it is bid out between several carriers, of which there are very few carriers who will insure municipal governments. The other item on the physicians, as I understand it, and Dennis Woehler is here to speak to that issue as well, that you are still able to go to the physicians. There will not be physicians dropped from the plan. So, he can speak to that in a minute, but I would like to--

Phil Hoy: That would be very good, because I'm sure the employees here, they are shaking their head no, though--

Commissioner Mourdock: (Inaudible. Talking over each other.) letter that said we had to--

Phil Hoy: --they may want to make a comment on it, but they are certainly interested in being able to go to a choice of physicians, and I understand that. I would like to add, just in case anybody questions, particularly, my friends from the press, I am not covered under this plan. I am not asking for this on a personal basis, because that's usually the suspicion. I'm insured by Medicare, since I'm 65, and the United Church of Christ.

President Fanello: I have one more question. As I know the County Council laid down some strict orders for every office to look at ways to cut costs in the county, and save the taxpayers money, and, as we know, health insurance keeps rising every year, do we have a commitment from the Council that they can sustain, and that the taxpayers can sustain a 27% increase every year in health care costs?

Phil Hoy: Well, actually, first of all, I don't believe we sustained a 27%--

President Fanello: It was around 20, I believe it came out to be--

Phil Hoy: Across the board, it was not across the board though 27%.

President Fanello: But, nationally the percentages are between 20% and 27%.

Phil Hoy: Yeah, this is why we have done, I was asked to look up my own increase, my own increase was less than 8%, with the United Church of Christ. You have to bear in mind that that is a family policy that I have. It covers my wife and my stepson, so, that is not a mere Medicare supplement. We have an aging population in my profession, unfortunately, or fortunately, if you are active, which I'm not. I always miss that timing. I think that perhaps a search needs to be made to keep that under control. To answer the first part of your question, we have worked very hard. We did ask people to look at their budgets, and that was a good experience. As you know we have liaison assignments, when we, the word was out that we needed to cut \$5 million off that budget, I have to say this, this is probably not nice of me, but that's all the city cut off theirs, it's a much larger budget, I'm really proud of the work that we did. I'm proud of our department heads, because, the first person to call us was Loretta Townsend of Weights and Measures. She had made a cut. Almost every department that I'm assigned to as a liaison called me before I could call them. They said we have worked our budget over, and worked it over, and we're going to work with you. You can't ask for much more than that. The other side of that coin is, that when it comes to employee's raises and benefits, I just think that it's very healthy for the county to treat its employees as well as we can. If you look at the whole way it's booked, you will see that some folks really don't make that much money working for the county. Some do. It varies with their classification. I think, as I said earlier, this is a conservative move, and we, I will promise you I will do my best, and I think I can speak....I was asked to speak for the Council, okay. And Mr. Raben, the two of us were asked to speak, and he couldn't make it. I think I represent the general opinion of the Council that we will do our best to continue to meet these increases. They are difficult to meet, we understand that.

Commissioner Mourdock: Phil, maybe you can define that question, or answer the question a little bit differently. What you presented us has Jim's name on it, you're here speaking for Jim, was this passed as a resolution of the Council as a whole?

Phil Hoy: No, it was not.

Commissioner Mourdock: Okay.

Phil Hoy: But, we have discussed it among ourselves, and I don't know a Councilman that-

Commissioner Mourdock: Okay.

Phil Hoy: -wants to see the change. If there is a Councilman that does, they've not said anything to anybody else. It's bipartisan. This is not a partisan issue.

President Fanello: And it wasn't here either. It was a bipartisan vote.

Phil Hoy: Yes, I know that. Yeah, I'm aware of that. So, we're not politicking here. We're just dealing with issues.

President Fanello: We're just trying to come to the right solution for everybody.

Phil Hoy: That's correct.

President Fanello: Did you have some questions?

Commissioner Mosby: No.

Phil Hoy: November 5<sup>th</sup> is over, thank God.

President Fanello: Thank goodness.

Phil Hoy: Although I don't like the other commercials any better. That's why God gave us a mute button.

President Fanello: I'm going to have Dennis address a couple of these issues, because Commissioner Mourdock just whispered something in my ear that I didn't know. So, Dennis—

Phil Hoy: I'll be glad to come back to it.

President Fanello: So, please stick around, and thank you for presenting the letter. Answer the question about the physicians, Dennis, because Commissioner Mourdock told me, just whispered in my ear that he got a letter that said he could not use a physician in the network. We just spoke a few minutes ago, and I thought that they could still go to their physician.

Commissioner Mourdock: Yeah, and I'll just say it a little bit differently, there is a line in this letter that says something about the employees enrolled in the Anthem Preferred Blue were not informed they could no longer use their physicians until last Thursday, which is about the day that I got the letter.

President Fanello: So, can you help us on that?

Dennis Woehler: The Anthem Preferred Blue is the HMO product. The only change to that product at all was the drug card. It went from an \$8/\$15/\$25 to a \$10/\$20/\$30 drug card. That's the only change in that plan. So, I don't know where the miscommunication would have come from, but there hasn't been any change to that plan otherwise.

Commissioner Mourdock: I have to say my wife read the letter, and said to me, I see we have to get a new doctor, because she had read the letter....is there anybody else in here who got a letter specifically about a doctor?

President Fanello: Was it on the Anthem Preferred Blue? Or Anthem traditional? Preferred Blue?

Unidentified: They are altering it. (Inaudible. Not at mike.)

Commissioner Mourdock: Hold on, if you are going to speak, you need to come to the microphone. Let's keep a sense of order here.

President Fanello: The Preferred Blue is the plan that we've always had, and still have—

Dennis Woehler: Right.

President Fanello: —that's the HMO plan.

Dennis Woehler: Right.

President Fanello: The Anthem traditional plan is the plan that changed.

Dennis Woehler: Right.

President Fanello: Right? Okay.

Commissioner Mourdock: Okay, but I saw Deputy Williams nodding his head that you also got a letter saying—

President Fanello: That he's—

Commissioner Mourdock: —that you had to change physicians?

President Fanello: And your on the Preferred Blue?

Eric Williams: We're on Preferred Blue. Eric Williams. We got a letter that said our pediatrician was not going to be on it any longer. We called the pediatrician, he said that was an error, and he was. So, we were getting ready to change our insurance, to make arrangements, but he said that's an error that we got that letter, so, I don't know.

President Fanello: So, I think we have two separate issues going on here.

Dennis Woehler: Occasionally something could go out in error. You know Anthem or any other company is not flawless, or any other network for that matter. But, and doctors also have a choice. They sign a contract with the networks that they belong to and they have the option to stay or not stay in those networks as they see fit. They very seldom get thrown out.

Commissioner Mourdock: Right.

Dennis Woehler: But they sometimes choose to move on, or to move somewhere else, or whatever the case may be. The Blue Preferred plan itself has not changed.

Commissioner Mourdock: Okay. Why don't you keep going then, as I think Catherine wanted you to go through—

President Fanello: Well, let's go back to the traditional plan. The traditional plan, has anybody received a letter on the traditional plan that says that...okay. Red Mosby back here has received—

Norman "Red" Mosby: Norman "Red" Mosby, Perry Township Trustee. We received a letter from, I guess, you to be at a meeting last Thursday, and I sent my Chief Deputy, and she come back and reported to me what it was, and I was disturbed over it. It's nice, I like to see the taxpayer save money, I like to see you save money for the taxpayer, \$117,000, is the way I understand it. But, I don't like a 28% increase in mine neither. That's me, and her, there's two of us in my employees that's on that plan he's talking about. That's going to cut...my doctor don't ever do it, but my drug store is not on there, and I'm not changing drug stores just, so that's something I would like to talk about.

President Fanello: And he's going to address that.

Commissioner Mosby: Paul's Pharmacy is on there.

Norman "Red" Mosby: It was just put on there, because the book I had, when the Chief—

Commissioner Mosby: It just listed the nationals, but if you go to the website all the (Inaudible. Talking over each other.)

Norman "Red" Mosby: Well, I'm not happy with the, we're not happy with the plan. It's all being changed, and I'm not for it. Like I say, I don't, I don't mind paying 20%, but I don't want my benefits reduced none. That's not right. That's not fair, and that's what's happening there, because, wait, let me finish talking. She come back and showed me that we're going to get a 28% increase, and you're going to save \$117,000, that might be fine for the taxpayers, but what about us?

Commissioner Mosby: We're going to save \$280,000.

Norman "Red" Mosby: Well, the memo I got this morning, the way it was faxed to me, and you get so much a year back on this insurance. Don't tell me, because I know. So, you're getting so much a year back, and you're cutting our benefits, and you're raising it, and I'm not for it.

President Fanello: Dennis, can you address the benefits? Can you go through and address the synopsis of the benefits? What has changed, and what—

Dennis Woehler: Yes. A brief explanation is that the original plan here was a traditional plan, which means that you could pretty much go anywhere that you wanted to. \$100 deductible plan, office visits were covered at 80%, drugs were covered at 80%, \$500 maximum out-of-pocket. Okay? Now, when you used network physicians, now, regardless of whether it's a traditional plan or not a traditional plan, if you use a non-network physician with a traditional plan, then you're subject to reasonable and customary charges. Which means that your \$500 out-of-pocket doesn't really count if an out-of-network doctor charges 20% more than what the going rate is, you're going to be responsible for that other 20%, not the insurance company. That's the way a traditional plan works. Yes, you can go anywhere you want to.

Norman "Red" Mosby: It hadn't before though.

President Fanello: Okay, let's, yes, we will let everyone speak who wants to speak.

Dennis Woehler: Fortunately Anthem has a very good network in this area, and so the majority of the people who are seeing doctors on that traditional plan, they are probably Anthem network doctors, and accept what Anthem pays them. So, there is no balance billing. Okay? Because Anthem has both hospitals contracted, and the majority of the doctors around the area here. So, unless you used Welborn doctors specifically, then you're going to find that the largest portion of the doctors around the area belong to the Anthem network. That's why very few people get balance billed when they are on the traditional plan.

Commissioner Mourdock: So, you are saying that was the same before as it is now?

Dennis Woehler: Now.

Commissioner Mourdock: With the majority of the people using the—

Dennis Woehler: And I'm not saying every doctor in town is in the Anthem network, but the majority are. Now, the plan design that we are looking at going to is a preferred provider plan. Now a PPO is different--

President Fanello: I'm going to ask everyone's cooperation in the audience so that we can hear what's going on. Everybody's going to have a chance to speak, but it's hard to follow if there is interruption in the audience.

Dennis Woehler: The PPO plan is different in the fact that it is a network type plan, but it has an out-of-network benefit that your HMO's do not. Now, the particular plan that we're looking at here is a \$250 deductible, 90% PPO. Now, the difference is that doctor's visits are covered for a \$10 co-pay, as opposed to 20%, okay? It's a flat \$10 co-pay. Annual, routine physical examinations are covered for that \$10 co-pay, and right now there is no wellness benefit in the traditional plan that's in force at this moment. It will have the same drug benefit that the HMO has, which is the \$10/\$20/\$30 drug card, as opposed to the 20% co-pay. So, well child care is covered. For the majority of the people, and I have to say that my job is not only to shop the plan, but also to make recommendations, whether it's this employer or any other one, on what I feel is a quality product, but at the same time fiscally responsible. That's the end of my responsibility is to make recommendations. This particular plan is, for the majority of the people that are on the plan, a better benefit. For, and I'm not saying for everybody, because, obviously, there are some people that have a lot more medical expenses than others, but your average family that is going to go to the doctor three or four times a year, and maybe have a couple of prescriptions, but go get their annual physicals, and take care of their children and that sort of thing, they are going to be better off--

Commissioner Mourdock: Because--

Dennis Woehler: --with the new plan.

Commissioner Mourdock: --the 10%, the \$10 per visit--

Dennis Woehler: Because it's co...because it's a co-pay type plan.

Commissioner Mourdock: --instead of 20%.

Dennis Woehler: The only time that the deductible is really going to come into play is if you have a large amount of diagnostics or you go to the hospital.

President Fanello: And the deductible was \$500?

Dennis Woehler: \$250.

President Fanello: \$250.

Dennis Woehler: Now, if you go out-of-network, and you can still go anywhere you want to, but you would have a \$500 deductible, and 70% coverage.

President Fanello: Okay, let's, and then on the old plan it was a \$500 deductible, and 80%.

Dennis Woehler: Exactly.

President Fanello: Okay, and then on the new plan you've got a \$250 deductible, and 90–

Commissioner Mourdock: No.

Dennis Woehler: 90%, in-network, yes, 90%, with a \$1,000 maximum–

President Fanello: 90% in-network.

Dennis Woehler: Yes.

Commissioner Mourdock: 90%, or a flat \$10?

Dennis Woehler: No, the office co-pay is a flat \$10.

President Fanello: Yeah.

Dennis Woehler: If it's something that falls under your deductible, like a hospital stay, then it would be a \$250 deductible, 90% coverage, maximum \$1,000 out-of-pocket, including the deductible. Now, the good thing about Anthem is that it is a nationwide network. So, every state that has a Blue Cross Blue Shield, which is every state, if you use a facility that is a network facility in that state, it's considered in-network in this state. So, what we're talking about here, that's going to include Cleveland Clinic, Vanderbilt, Mayo Clinic, St. Jude's, IU Med Center, Riley Children's Hospital. It's as fine a network, it is the largest network in the country.

President Fanello: Are there any questions from the Commission right now?

Commissioner Mosby: I think I understand it.

President Fanello: I would like to hear from some people in the audience.

Commissioner Mosby: That way we can ask questions.

President Fanello: Would anybody like to speak in the audience?

Madelyn Grayson: May we make a tape change first?

President Fanello: Yes.

**(Tape Changed)**

Sandie Deig: My name is Sandie Deig, and it doesn't include everything as it did before. I have a dependent at Purdue University that will no longer be covered. I talked with her yesterday, and she will not be able to get coverage at West Lafayette whatsoever. So, I would like to know an answer for (Inaudible. Talking over each other.)

President Fanello: Just, are, explain that. No doctors in the area covering her on this plan.

Sandie Deig: Not in network.

President Fanello: Okay, in the network.

Sandie Deig: No, and she went to two doctors in West Lafayette, and they are not accepting new patients. I don't think college kids are high on their priority list anyway. But, I do think that is wrong. I do think, they couldn't assure me, when I called Anthem the other day, that there wouldn't be a disruption in our prescription drugs, as we had it this year. I said could I have that in writing, and they wouldn't give it to me in writing. So, that's a big concern.

President Fanello: Okay.

Sandie Deig: But more than that, I have a concern because I have a dependent away from home that will no longer be covered in network.

President Fanello: I'm going go, I'm going to go ahead and ask Dennis Woehler this question.

Sandie Deig: Okay.

President Fanello: Can you address that question for her at this time, or will you need to—

Dennis Woehler: To give you as accurate an answer as I could, I would have to check the web. I've looked in the directory and in West Lafayette itself there are no doctors listed. There are 24 primary care physicians, and another 10 or 12 OB/GYN's in Lafayette itself. Now, I don't know the proximity of those two towns, how far we're talking about.

President Fanello: Okay.

Commissioner Mourdock: They're adjacent. I mean, West Lafayette and Lafayette are side by side.

Sandie Deig: They're the same, but these are college students that live on...and I'm not the only one that has a dependent at Purdue University. Okay? There is a number of them.

President Fanello: Okay.

Sandie Deig: So, this came to light last week, and I did call, I looked on the Internet, I did call Anthem myself, two different times, and they could not assure me that there would be any coverage. These kids don't have a way to the doctor, even if it is only five miles. They have no way.

President Fanello: Is there anyone else that this is going to, without getting too specific, or personal for you—

Sandie Deig: Yes. Yes.

President Fanello: I mean what issues have you, can you kind of describe what maybe some of the issues that you've encountered to date, or that you know—

Sandie Deig: Well, I had an interruption...you mean as far as prescriptions?

President Fanello: Uh-huh.

Sandie Deig: There was an interruption last year. It took three months for Mr. Woehler to get it straightened out, and I did have a good pharmacist that went along with me, and let me pay my full amount until it was straightened out, but that's not good. They told us that it would get straightened out, and all the cards would be received by January 1, but when I asked for that in writing, she wouldn't give it to me. I do have a personal reason for wanting to know that.

President Fanello: Okay. Thank you, Sandie. Is there anyone else—

Commissioner Mourdock: If we could, let's do what we did before. Dennis, would you care to comment about the prescription side Sandie was just talking about?

Dennis Woehler: Yes. The traditional, the traditional plan being set up the way it is, with the pharmacy included in the deductible and co-insurance and so forth, is a little bit different animal than about 95% of the country has, because just about everyone has a network type plan anymore. What happened is at the first of the year Anthem was supposed to have changed their drug program to where if they used a participating pharmacy they would get a preferred pricing on it. So, which meant that their 20% would be less also. Okay? When it was fed into the computer it was fed in as a drug card, as opposed to that, and it took Anthem the two or three months to take that back out and redo it the way it was supposed to be. So, it was their computer error. It did take, it did take them two or three months, and people had to file paper claims to get money back in some cases, and it was a problem. Now, we gave them, on this issue, plenty of time, so they're saying that they're going, in order to make this an orderly transition, I wish I could promise you that. Unfortunately, I can't either, but they did make a computer error last year, and it did hold up some people's payments. Mostly their reimbursements, because the company was saying you don't file them this way, now you have to file them this way, and really it was supposed to be the same old way.

President Fanello: Is there anyone else in the audience who can give us some specifics? Can you, then can you come back to the mike, Sandie? Thank you.

Norman "Red" Mosby: Norman "Red" Mosby, Perry Township Trustee. On what Dennis just said about the doctors on the co-payment, my doctor accepts whatever the insurance pays. I don't have to make no co-payment. So, there you are right there. There's 10 more dollars right there that just being throwed out of my pocket that I don't have to put up now. That's more of an increase. Do you understand what I'm saying? When I go to the doctor he's going to charge me \$60. If the insurance only pays \$50, he takes it. I don't have to pay no co-payment. And I think that's what I'm talking about right now. This plan is different. It's not what we've always had. I want it back like it was. If I'm going to pay a 28% increase, it's going to be like that, or I ain't going to pay it.

President Fanello: I'm going to have Dennis—

Commissioner Mosby: What is, there's not an increase to the employee.

Many in Audience: Yes, there is.

President Fanello: Whoa, whoa, whoa, whoa.

Commissioner Mosby: Just hold up. In the cost—

Dennis Woehler: There's an increase to the employee, it's just not as much as it would have been without the change.

Commissioner Mosby: Right. Okay. That's what I'm going off of.

President Fanello: Okay, say that again.

Dennis Woehler: There is an increase in the health insurance cost. It's just not going to be as much as it would have been without it.

Commissioner Mosby: If we hadn't changed the plans—

Dennis Woehler: Right.

Commissioner Mosby: —the cost, that's the cost we went over.

Dennis Woehler: Right.

Commissioner Mosby: Okay.

Dennis Woehler: Depending on how employment falls or varies from now, you know, you're looking at the changes we made saving the county probably somewhere between \$250,000 and \$300,000.

Commissioner Mourdock: That was just the question I was going to ask. Just so everybody in this room understands it, when it came to us the first time that number, the \$250,000 to \$300,000 was calculated as Dennis just explained it. If we had not done what we did, we would have paid \$250,000 to \$300,000 more, even though the rates would have been going up for both the county and the employee in the (Inaudible).

Dennis Woehler: Yes.

President Fanello: Is there, Councilman, Sandie did you want to offer something real quick?

Phil Hoy: Phil Hoy, County Councilman. The comment I wish to make is that while that is true, we as a Council took that into account and voted that, and I want that on the record.

Commissioner Mourdock: I understand. There is two questions, and I think we can all disperse with one. One question early on was had the plan been adequately funded? There was a question if that was true, or if it was false. I think we all agree now, that was true. That it was adequately funded. I don't think there's a question there. But, then the other question is, is the county saving money based on what this Commission previously committed to, and as Dennis just explained the action we took then was based on the \$250,000 to \$300,000.

Phil Hoy: Our understanding is that the people who that it's going to hit the hardest are the people who were in the former traditional plan. I believe that's correct.

President Fanello: Yes, that is a true statement.

Phil Hoy: We would rather not see that. We are saying it's funded. We realize, you know, that it's spending more money. We're well aware of that. By and large, I think you're looking at a fairly conservative Council, across the board. Particularly the majority is, are members of the more fiscally conservative party. I am not, but this is a place where I just feel like in the whole scope of what we spend in Vanderburgh County, I mean, we vote on a little less than \$50 million, but the county budget is much, much more than that, as you all know. Out of my own pocket, personally, \$300,000, \$200,000, is a lot of money, but in the scope of things, to cover several hundred employees as well as I think the former plan did, that's why we wanted to stick with it.

President Fanello: Thank you, Councilman. Sandie.

Sandie Deig: I did want...Sandie Deig, I did want to disagree with Dennis, it wasn't just paperwork, I was refused medication.

President Fanello: Okay.

Sandie Deig: Uh-huh. And because, what was it, Dennis? I was over 26. I've got a news flash for them, I was over 26 the year before, okay? I was refused medicine for a month with this mess up.

Betty Knight-Smith: Betty Knight-Smith, the County Recorder. They did make a change today. I went and got a prescription that the doctor says I have to take the rest of my life. It's a thyroid, and I always got three months at a time. They told me today the insurance will not okay it in 30 days at a time. So, that's just double running. I mean, I can do it, but there's a lot of other people who cannot run to the drug store every month, when you could get it for three months. So, I don't know why they've changed that.

President Fanello: I don't know that that has anything to do with what we're changing.

Betty Knight-Smith: No, but there's—

President Fanello: Because I've got a prescription and it does the same thing. I think that's just a decision that they make. The drug company or whatever, but I know that I have a prescription that they would not let me get two days earlier than the—

Betty Knight-Smith: But, they're still changes, they always let me have it before.

President Fanello: Uh-huh. Yeah.

Betty Knight-Smith: But, this happened today.

Dennis Woehler: If I may.

Commissioner Mosby: Yeah, go ahead.

Dennis Woehler: The changes that we're talking about here are January 1 changes. If there was anything that changed at the drug store today that's probably an issue that you need to call me about so we can look into it, because it wasn't supposed to change until January the 1<sup>st</sup>, any of the changes that we're discussing here. So, you know, that may, that may be a completely different issue. On the drug plan on the

proposed change here, the drug plan, the \$10/\$20/\$30 drug card, they offer a mail order service as well, which you have with the HMO product now, where you can actually mail order maintenance drugs and you will only pay a two month co-pay for three month supply.

Commissioner Mosby: I want to ask you a question. On this deal that Sandie's talking about last year, what has that got to do with the new program?

Dennis Woehler: I think what she's saying is—

Commissioner Mosby: Or what we're going to?

Dennis Woehler: —she's worried about that if we change that if they don't get it right the first time, it may be another three months before she can get any medicine.

Commissioner Mosby: Oh, okay. I was confused as to where you were going with that.

Sandie Deig: (Inaudible. Not at mike.) No, I have a husband with a life threatening (Inaudible.)

Commissioner Mosby: I understand that, but you said that happened this year, and then they told you that you couldn't get this one drug....that's got nothing to do with what we're going at is what I'm sitting here trying to comprehend.

Sandie Deig: Excuse me, I'm just asking that this doesn't get repeated again this year, David.

Commissioner Mosby: Okay, I was going to say, because this is the same insurance company we've had for five years, or ten years. So, it's got nothing to do with what we're doing.

Phil Hoy: I would like to comment on that. Having grown up in the insurance business, and having followed it for a long time, the problem with that, Commissioner, is that every time you make a change with a company, you create problems. I think that's what Mrs. Deig is speaking of. We've had problems in the past, my forecast is with this major change, you will see more problems. That's happened with my own coverage. We are supposed to be, in my denomination, self-insured, which is, I consider, should be on a comic page, because they hire a company. They hire two companies, depending on what you're after. Sometimes three companies. God help you when you go after dental. Every time there's a change, you can rest assured that something is not going to be paid in a timely fashion, and, you know, you're going to be, you'll know a lot of problems. I think you will be with this.

President Fanello: Thank you, Councilman.

Cheryl Lawrence: Forgive me, because I'm not a good speaker, and I get nervous speaking in front of people. My name is Cheryl Lawrence. I was wondering, when you made this decision, did you take into consideration the refunds that Anthem had refunded the county in the past? Before we took on the Preferred plan, we had really large amounts refunded. I mean, I can show you some of them. I have requested some back farther, which I haven't received yet, but, I mean, this year we even got \$80,000 from last year. A couple of years ago it was \$102,000, each year.

That's a savings that could have went back into the insurance plan so we wouldn't be at this point.

President Fanello: I think Dennis can address the refund situation, because somebody sent me an e-mail about the refund situation.

Cheryl Lawrence: I did.

President Fanello: I think, I know you did, but I—

Cheryl Lawrence: I went back farther than what he did for two years. They were like \$102,000 twice—

President Fanello: Well, I know this—

Cheryl Lawrence: 90 something thousand another year. It just seems like the one plan was the one totally hit. Then also on prescriptions, on generic brands they do pay 100%. So, we're taking another hit on that too with the PPO. I probably would never make my \$500 deductible with the PPO.

President Fanello: Dennis, can you address the refund? Because, I believe, you sent me something on that explaining about the refund, how that didn't just, I mean, we have two plans with Anthem, so.

Dennis Woehler: Right. Both plans are included in the overall picture of the refund agreement. It's based on claims against the net premium that is, that they receive from the county. Of course, it's this way, I mean, this is the way it works with every, with every company they do this with, but, and then we have an aggregate cap on claims of \$100,000. Any claims that run over that do not count against the refund agreement. The monies that we've been receiving, and I know that they've gone down a little bit, probably are more due to the fact that claims have been running higher. Now, this population with Vanderburgh County is the same as the rest of the country, it's an aging population. The, and it's just a fact of life that the older you get, the more claims there's going to be. So, that's having the effect on the refund agreement. Now, you look at \$80,000, and that sounds like a whole lot of money, but when you divide that by 750, 800 people that are on this plan, and then take out the 92% that the county is paying, and, you know, you're looking at about a dollar and a nickel an employee that would be a refund, if it went to them. I mean, it's not, we're not talking any real money. Since claims have been running worse this year than they have the prior two years, I don't look for that to be an increase. The last year or two, really, the only thing that's been added to it is interest that they've made on the money they're holding.

Commissioner Mourdock: Was, to come back to Cheryl's question directly, when you gave us the number of between \$250,000 to \$300,000 savings, was that \$80,000 or some similar number netted into that?

Dennis Woehler: No. No. I'm just talking about off the premium.

Commissioner Mourdock: Okay, so if, in fact, we would have saved \$250,000, using Cheryl's argument for a minute, the 80 would have become just \$170,000.

Dennis Woehler: No, I'm saying if we save \$250,000, and we got another \$80,000 refund, then you would be saving \$330,000.

Commissioner Mosby: \$330,000.

Commissioner Mourdock: Okay.

President Fanello: Can you come to the mike please, because we're taping it, and we won't be able hear you back there.

Cheryl Lawrence: I guess, my one point is, before we picked up another Anthem plan, it was the traditional plan that was refunding most of the money. I wanted to make that clear. I also don't think there's 800 employees on Anthem. That would include the Welborn HMO, which there's quite a few people on that.

President Fanello: Thank you.

Dennis Woehler: That is a good point. There are only about 450 people on the Anthem plan. So, it would be more like two or three dollars per employee refund.

Commissioner Mourdock: Dennis, would you, I understand the cost consequences, but I am disturbed sitting here and listening to a number of people report back on the procedural changes with the drugs. I guess, and not surprisingly, in our discussions about that previously, we were talking about...let me rephrase that, in our previous discussions we always talked about total cost, total benefits, we didn't get into something as detailed as how the procedures would be handled for, say Betty Knight-Smith getting 60 days at a time versus 30 days. Why are there procedural changes in, coming in January 1<sup>st</sup>? Why are those there? What cost savings are there?

Dennis Woehler: Procedural changes are the fact that they are going to a, the formulary drug list, like the HMO product has. Now, most companies have gone to a formulary drug list because they can deal with larger quantities, and get preferred pricing on it, and that's why they have a generic, a preferred name brand, and a non-preferred name brand on their formulary list. Anthem researches these drugs, and on their formulary list they put the drugs that are not necessarily the cheapest, but drugs that have, through research, proven to be the most effective. You know, and, obviously, if they can get you off of it, or they can control your situation better, then in the long run that's cheaper for them as well. So, they develop a formulary list, and they give you preferred pricing on those drugs, because if those drugs work better, in the long run it should be a savings for them as well.

Commissioner Mourdock: Okay.

Commissioner Mosby: I don't think I've got any questions.

President Fanello: Is there anyone else in the audience?

Billie Watson: Yes, I'm Billie Watson. What concerns me is that we've lost our doctors completely. Welborn doctors are not offered on this plan. My husband has quite a few health problems, and they have asked me, well, why don't you switch to HMO? Well, if I hadn't of been afraid to do that, I would have done that years ago. But, he had leukemia 20 years ago, and now he's got quite a few different problems. I'm just afraid if I switch, they won't cover him. Cover all these existing diseases. Also, will they pay to send him to Houston every other year for his check up? Which is where his bone marrow is frozen. If he comes out of remission, that's the only place he can go to get that bone marrow. So, they took all of our doctor's away.

Yes, we can switch, and we can find good doctors at Deaconess, maybe, but not all doctors are accepting new patients. So, actually we have to take what is left. We can't go and say, okay, we want to go here, because you can't go there. You have to go to who's accepting new patients at the time.

Commissioner Mourdock: Did you state your name, ma'am? I'm sorry.

Billie Watson: Billie Watson.

Commissioner Mourdock: Thank you.

President Fanello: Thank you, Billie.

Billie Watson: And they was supposed to get back to me today on that about whether or not HMO would cover the pre-existing, you know, diseases, and I haven't heard anything yet.

Commissioner Mosby: Was you, I was supposed to call, but I played phone tag with Dennis three times today. So, that's why I hadn't called you back.

Billie Watson: Have you found out anything?

Commissioner Mosby: Well, no, because I've played phone tag with Dennis, and he just got here.

Billie Watson: Well—

President Fanello: Can you address any of her questions, Dennis?

Dennis Woehler: The HIPPA regulation, which all health insurance is going to fall under, says that if you can prove 12 months of prior coverage, there is no pre-existing condition period anymore. So, changing plans will not affect that whatsoever. Now, that's your guarantee by law. The issue of the clinic, and, Billie, I don't know, I don't know the whole circumstance here, but....there you are, but I checked with Welborn, and the way Welborn works, and I'm only assuming, at this point, I don't know, did your doctor refer you to the clinic down there?

Billie Watson: To Houston MD Anderson Cancer Research Center.

Dennis Woehler: Yes. The Welborn doctor? Welborn stated to me that if their doctor refers you, and it is approved, then it's paid as an in-network benefit.

Billie Watson: On HMO?

Dennis Woehler: Yes.

Billie Watson: On HMO?

Dennis Woehler: Now, I can get that for you in writing if you would like?

Billie Watson: Is MD Anderson part of the network?

Dennis Woehler: Well, it's not part of Welborn's network, no, but what they're saying is that they are referring you to an out-of-network facility. If their doctor refers you

to an out-of-network facility, and that referral is approved, then it's paid, just like it was in-network.

Billie Watson: What about access (Inaudible. Not at mike.)

Commissioner Mourdock: Ms. Watson, if, we need to get you on tape, because we're, our microphone doesn't pick up people in the back of the room.

Commissioner Mosby: Yes.

Commissioner Mourdock: So, if you're going to have the discussion, you need to come forward.

Dennis Woehler: Now, and I understand your issue here with the doctor that, the Welborn doctors are not in this network.

Billie Watson: Right. None of them.

Dennis Woehler: So, you either have to go see them as an out-of-network benefit, or you need the Welborn plan.

Billie Watson: Right.

Dennis Woehler: Now, if you go see the Welborn doctor as an out-of-network benefit, and they referred, and you're sent to Anderson Clinic, well, if Anderson Clinic is an Anthem facility, then that would be in-network. But, on the opposite side of that page, if you change to Welborn, number one, he will not have a pre-existing condition period. Number two, if the Welborn doctor is referring him there, and their referral is approved, as they all, when they do a referral that's the way it works, then it's paid as an in-network benefit. Even though it's not in the network.

Billie Watson: Is there anyway that we can keep this traditional insurance? It just seems to me like they're targeting the employees that's been around the longest. Most of the people don't have traditional anymore. I mean, how long's it been since you've even offered people traditional?

Dennis Woehler: There, there aren't, there's nobody that wants to look at it.

Billie Watson: How many is on traditional?

Commissioner Mosby: 85 or 86.

Dennis Woehler: Of actual county employees?

Billie Watson: I bet the average age is probably around 50, and they've probably got quite a few years in with the county.

Commissioner Mosby: I don't know about the age. Well, now, let me ask you this question, Dennis, if they stay on this, it's not traditional, I guess, it would be—

Dennis Woehler: PPO.

Commissioner Mosby: —PPO network, they can go out-of-network, it just costs, what, 70%? There's a \$500 deductible.

Dennis Woehler: And 70% coverage out-of-network.

Commissioner Mosby: What, is it capped anywhere?

Dennis Woehler: \$2,000.

Commissioner Mosby: It's out, the most they can spend is \$2,000.

Dennis Woehler: Here's a pre-synopsis of that plan. This is what we passed out at the meeting the other day.

Commissioner Mosby: Okay, it's \$2,000, it says out-of-pocket–

Dennis Woehler: Yes.

Commissioner Mosby: –maximum. \$2,000 network, \$4,000 out-of–

Dennis Woehler: No, that's \$2,000 per person, \$4,000 per family.

President Fanello: Okay, we can't hear what's going on here.

Dennis Woehler: Your deductible, you serve two deductibles per family, whether that's in-network, or out-of-network. You serve two co-insurance amounts. Okay? So, it's \$2,000 per person, \$4,000 per family, if your whole family were in the hospital out-of-network, basically.

Commissioner Mosby: But, I mean, in her case, she could take the out-of-network, and she would have to pay 70% up to \$2,000–

Dennis Woehler: Yes.

Commissioner Mosby: –and there's a cap there, and she don't spend another penny.

Dennis Woehler: Yes.

Commissioner Mosby: If she wanted to take the out-of-network, which would assure her to still have her same doctors that she has today, and be able to go wherever.

Dennis Woehler: Yes.

Commissioner Mosby: If I understand that correctly. Okay.

President Fanello: Does anybody else have any questions of the Commissioners?

Phil Hoy: I have a question of Mr. Woehler?

President Fanello: Okay.

Phil Hoy: Are you saying that if Mrs. Watson's husband has to go back to Houston, and that's the only place where his bone marrow is, that that will be approved? Or is that going to be reviewed for approval? Is she assured that she will be able to use that facility?

Dennis Woehler: I can't, I can't give you a definitive answer on that, because I'm not their Medical Director. The, I would say that it would be in her best interest to get that approved ahead of time, and I can help her with that, or we can check into it, and make sure.

Phil Hoy: And if it's not approved ahead of time, what recourse does she have then with all of those medical records sitting in Houston? What would happen to them? How would her husband get treatment? Let's say it's denied, you applied for approval in Houston, for Houston, and it's denied, what does she do?

Dennis Woehler: You mean if she chose the Welborn plan? If she chose the Welborn plan, and it's denied, then they would have to seek medical treatment within the network. This is a question that I would want to, obviously, investigate pretty thoroughly, because her doctor, being a Welborn doctor, has already referred her there, or him.

Phil Hoy: But, she really, my point is, she really has no assurance, complete assurance that, with this long standing condition, her husband will be able to be seen for treatment in Houston, where they have his bone marrow, where he has a great deal of confidence in that system, and they've treated him well. That's, you can't say a complete, definitive yes to the fact that he'll be able to go there.

Dennis Woehler: No, I cannot.

Phil Hoy: He may have to go someplace else. And, my point is there are specialties that are only available in certain places—

Dennis Woehler: I understand.

Phil Hoy: Thank you.

President Fanello: Is there anyone else in the audience wishing to say something at this point?

Commissioner Mourdock: Seeing none, I'll make a couple of comments here. I'm not sure where this will lead this evening, or in the long term, but, I guess, a couple of points that have been said that I want to emphasize, one was in the very first moments of the discussion, and I don't recall if it was Dennis who said it, or, Catherine, you may have said it, one of the shocking things in reviewing this plan annually, is finding out how many companies are getting out of the business of employing municipal, or insuring municipal employees. The reason why is the claims history for those of us who work in government tends to be much higher than that of the private sector as a whole. That's one reason why the costs have gone up, and it's certainly one reason why different segments, different parts of the plan were targeted for savings. So, let's not forget that. Point number two is that in the private sector, and elsewhere, all costs have been going up, and the county has traditionally given very, very good benefits. I know for a number of years I had the chance to work on this plan versus the one my employer had, and I was probably crazy, but I stayed with the one my employer had, even though it cost me more money. I should say in the interest of full disclosure, like Phil Hoy was saying, next year I'm obviously not going to be on the plan either. I guess the most disturbing thing I heard tonight was the comments about the procedures have changed, and I don't know that it's going to be possible for us to define for every employee in advance how they might deal with that, and, I guess, in that regard, Dennis, I would

like more information on the changing of procedures. Not just which doctors are in, which doctors are out, but things like that that Betty Knight-Smith mentioned about the handling of prescriptions, or whatever would come up. Because I think employees do deserve the right to know those kinds of things in advance, when they can know them. Realizing it won't happen every time. Last point I would make, and maybe this is a suggestion as much as anything. Obviously, there is a lot of strong feelings about this. Phil, you commented that this letter that we have is not necessarily the Council as a whole, but it's your opinion, or your sentiments and Jim Raben's, and with the increase in costs we've seen, it might be easier for this board to do something different than what we've already done, if we had a commitment or some resolution from the Council as a whole as to what the funding might be in the future.

Phil Hoy: Well, the point of the...Phil Hoy, County Council. The point of Mr. Raben's letter, and the two of us are not alone on this.

Commissioner Mourdock: I know. I know that.

Phil Hoy: Going back to budget time, we knew what we were facing, and I thought we faced it well. We knew we were looking to continuing the same plans, and we funded them. What the letter is saying is we're asking you all to continue with the plans another year, so that there's some time for adjustment, so that we can work with employees. Because this change came, you know, you all sign contracts, we're well aware of that. We fund, you sign. That's the checks and balances. I'm well aware of those, and I know you all are too. In good faith, we funded this, and felt that that was the right thing to do. A lot of employees have come to us and said we feel that, to quote, the rug's been pulled out from underneath us. You guys, you know, you did it, you provided the money, why not go ahead. Then we have a year, you know, to, starting now, to look at what might be negotiated. How we can work with the employees who have these long term situations, and that sort of thing. That's what the memo asked for. We're not opposed to change entirely. On the other hand, and I'm speaking for myself at this point—

Commissioner Mourdock: I understand.

Phil Hoy: —if I were to make a financial error in favor of anybody, I would make it in favor of the employees. At that point, that's where my fiscal conservatism stops, and my bleeding heart liberal sentiments begin.

Commissioner Mosby: Councilman, Councilman Hoy. I guess, my question would be similar, the same as Commissioner Mourdock's, and I'll go back to this past year when we made these changes, and we made these changes due to the fact that the Council kept telling us that we needed to make changes, that there wasn't money for this, there wasn't money for that. I mean, I could go through everything that wasn't funded, you know, and that's why this was done. This was not done, you know, against any employee, or anything else. I mean, I've got problems right now that you're still playing with over there. I've got a \$360,000 project where people are swimming in raw sewage, you know, that we still haven't corrected. You know, we can talk about a lot of things that were cut, not just the health insurance. With your comment, could you guarantee me for three years that you would fund this? Now, we're talking about three years. I'm not talking about one.

Phil Hoy: We're not talking about three years—

Commissioner Mosby: We have to talk three years, because if I sign a contract, we talk three years. We don't talk one.

Phil Hoy: If you sign a contract for three years, we will fund it.

Commissioner Mosby: You're going to—

Phil Hoy: I'm not going to respond to your bait about the sewage on the west side. I think we're handling that very well.

Commissioner Mosby: I'm just talking about problems overall, in general. That's one that comes up right now that we're still looking for \$300,000 for.

Phil Hoy: Well, and we're on the road to working on that, and I will make this much comment, those people have been dealing with that for eight years, or even longer—

Commissioner Mosby: And at some point in time, enough is enough.

Phil Hoy: We have made some commitments to that. We want some more information. Mr. Mourdock has that list of information, which he will bring to you.

Commissioner Mosby: But, I guess, my question was if this is going up 15, 20 and 25% per year, you're telling me that you can give a firm commitment to a three year deal? That you could fund this? If this thing went up 20% of what, \$6 million next year? You know, you're telling me that we can come up with a million two, and then the year after a million four?

Phil Hoy: If you sign a three year contract, we'll do it. You're committing to the contract. We've committed this year. That's the information I have. You can check with the other Councilman and get their opinions. Or I can get them for you.

President Fanello: I'm going to preface my comments with a statement that I did request a meeting about the health insurance early in the summer with Councilman Raben, and I never got that meeting. Had we had that meeting, we may not be sitting here tonight addressing these issues. But that, and you can't really answer to that, because that meeting was not posed to you, but it was posed to Councilman Winnecke, and it was posed to Councilman Raben. Now, hopefully, next year those meetings will happen during budget time, in the spirit of bipartisanship will happen in order to prevent things like this from happening in the future. The thing that I have to say is that I do agree with Commissioner Mourdock and Commissioner Mosby, I would like a commitment from the Council, because it doesn't matter if we change it now, or we change it next year, we're still affecting the employees. If we want to make sure that they are taken care of, then I want a commitment from the Council for three to four years that they will fund any increases in health insurance, and that they won't have to worry about any changes. I mean, I would like that posed to the Council.

Phil Hoy: I would suggest that you submit to the Council a memo to that affect, because I would not dare speak for six other people, and you know that, of course.

President Fanello: I know you can't make that commitment, but that would be—

Phil Hoy: But, we have done this, I've been on Council, I just finished my tenth budget, we have been able to do that for ten years. We've made a very heavy commitment to this. You know, without much, with almost no debate on the Council—

President Fanello: Okay.

Phil Hoy: —that's, if there's anything we've had unanimity on, this has been one issue. That plus attempting every year, I think, in all ten years we give a raise. I realize that's not done other places, but we also have a lot of people who are—

President Fanello: Well, it's kind of hard, you know, to take care of things like this, watch a budget, and, you know, I agree with you, I mean, I want the employees taken care of. There's, that's important. They need to feel like they're important. They need benefits. Government is a little bit different. We don't have the same benefits here that they do in the private sector, but it's hard to negotiate things like this when you are getting mixed signals from the Council to save money, and you have Councilmen over there wanting changes, and then you ask for meetings to try and go through these things, and those meetings don't happen, and we're sitting over here, you know, trying to figure out what to do. So, that's where the spirit of cooperation has to happen.

Phil Hoy: As you pointed out, I'm not the Finance Chairman, nor will I be.

President Fanello: But, I would like just, I would like for, Dennis, if you can, would it be possible to put together something that shows us the procedural changes on this plan? Maybe how it was with the traditional plan, versus how it is now with the change.

Dennis Woehler: Yes.

President Fanello: Okay.

Dennis Woehler: Yes. Dennis Woehler, ONB. We can, I can put a spreadsheet together. I can put whatever you need together.

President Fanello: Okay. Is that possible to have by the next meeting?

Dennis Woehler: Absolutely.

President Fanello: Okay.

Commissioner Mosby: Dennis, how many companies bid on this this year?

Dennis Woehler: Four.

Commissioner Mosby: How many did you shop out to though?

Dennis Woehler: Four, but only three of them gave us bids.

Commissioner Mosby: Three gave a bid out of four?

Dennis Woehler: Yes.

Commissioner Mosby: Okay.

Dennis Woehler: There, you know, there are a lot of companies that, well, I say a lot, the market is shrinking, as Mr. Mourdock pointed out as far as municipalities, but there are several companies that will say, yes, we would like to take a look at it, and then they take a look at it, and, you know, if it's over 50 they don't have to bid. So, they just say sorry. They are not required to give a bid on any group over 50.

Commissioner Mourdock: Over 50?

Dennis Woehler: Employees.

Commissioner Mourdock: 50 employees, yeah.

Dennis Woehler: So, I will put together a comparison sheet that, of both plans, and I'll provide it to you, hopefully, here by mid-week—

President Fanello: Okay.

Dennis Woehler: —so you all have an opportunity to look it over.

Commissioner Mourdock: And you probably don't want to hear me say this, Dennis, but I would encourage those employees in the room, if you have specific questions about those procedures that you think have changed, you might drop a line, either to this office, and we'll get them to Mr. Woehler, or if you know others that you work beside who have similar questions, let's get those specific questions, because if we can answer them specifically, we'll all be ahead of where we are right now.

Dennis Woehler: I might just say, you know, that that's what we're there for. If you have a problem, we're supposed to fix it.

Commissioner Mourdock: Okay.

Dennis Woehler: Especially if it's a surprise problem like this, because there hasn't been any change to the plan yet. Whenever I'm not in, if my direct line you get my voice mail, you can zero out and I have an assistant who is there. If you don't have my direct line, you can call ONB Insurance, and they will forward the call. Either way, problems like this are what we're supposed to take care of.

President Fanello: I have one more critical question for you. If, after seeing the information, this board desires to go back to the original plan, is there a date that we have to do this by?

Dennis Woehler: Yesterday.

President Fanello: Well—

Commissioner Mosby: That's what I thought.

President Fanello: Yeah, I mean, are we too late? I mean, are we—

Dennis Woehler: Actually, hopefully, they haven't started feeding all this stuff into the computer yet. You know, I will, I'll address that issue with the companies tomorrow, and find out where they are in this process. The other thing that I would need to know is do we want to change all three plans back to the way they were, or just the one plan? You know, where it looks like we're going. But, I'll find out, regardless of

how many plans it is, I'll find out where they're at in the change process, at this point.

Commissioner Mosby: I guess, my other question would be, and I know we sent out a, what am I trying to think of?

Commissioner Mourdock: Open enrollment form.

Commissioner Mosby: Well, not an open enrollment form, but we was asking for everybody's advice on whether they would want to pay more, or whatever—

Dennis Woehler: Uh-huh.

Commissioner Mosby: —if this one plan is the plan that's, I guess, the most costly, and I've heard people in this room, and I seen some of the sheets that came back, I mean, can we let them pay the difference?

Dennis Woehler: That's an administrative decision. You can do pretty much whatever you want to do.

Commissioner Mosby: I mean, to keep it the same, and they say they're willing to pay more. I mean, if that's the case, I guess, we can look at that.

Madelyn Grayson: May we make a tape change please?

**(Tape Changed)**

Cheryl Lawrence: When we were given that survey, it was a survey?

Commissioner Mosby: Yes.

Cheryl Lawrence: There was an a,b,c question, which was real evasive, and , so, I don't know what happened to the survey, but the majority of the people said none, no change. Most of the employees did not want any increase, or any change in benefits.

Commissioner Mosby: I went through several of them, I went through probably 30 that said 20% is fine with them.

Cheryl Lawrence: But, well, most of them—

Commissioner Mosby: He's got all the surveys, because I read 96 of them in here one day.

Cheryl Lawrence: What could, I mean, maybe we need to look at them again, because I know—

Commissioner Mosby: But, I mean, I'm just saying in order to save the plan, I've heard a couple of people say I'm willing to pay more.

Cheryl Lawrence: But, we wanted a price given to us. Not just would you be willing to pay more.

Commissioner Mosby: Well, now we have a price. I mean, you don't have a price until you shop it off.

Cheryl Lawrence: Right, but we could have had a price a lot sooner than now. I mean, was there a lot of negotiation done with Anthem? Trying to get them to go down on the traditional plan? Because in the past they've done this too, and whoever represented us did negotiate and bring the plan back so it wouldn't cost the county so much.

Commissioner Mosby: I mean, that's what I just asked Dennis, and he shopped it off to three or four different ones.

Dennis Woehler: What she's asking is did I try to beat them down on their price, and, sure. They were looking, their preliminary estimate was 30%.

Commissioner Mosby: I remember Mr. Feldhaus saying that one day.

Dennis Woehler: You know, and the fact that it only came down to 26 is not good, but they didn't make any money on this plan last year. The reason offices and insurances companies say they need to, they need to save, they need to make 25 cents on every dollar that comes in, in order to break even. They can pay 75% of it out in claims, and break even. Our loss ratio ran about, at this point, is about 85%, 86% with them. It's over 100% with Welborn. This is what's driving the cost more than anything else. Now, is it, are plan changes going to be a placebo? No, it's not going to cure everything, because there is more and new miracles of modern medicine coming out. There are newer and better drugs coming out, and all this stuff costs money, you know. The idea, the idea of a plan change here was, was to design a plan that had a little more cost containment in it, in hopes that not only would it lower the increase this year some, but, hopefully, lower renewal increases for the future. So, I did, I did that for you all, just like I would any other company. This is what I see to be the most cost effective with the least amount of impact on your people. It's not a cure all. It's going to go up. So, you know, we just, we try to look at what we can that will keep these increases somewhere within reason.

President Fanello: Well, as Dennis puts together these procedural changes, would it be prudent for this board to go ahead and draw a letter up to the Council asking them for some type of commitment on the health insurance?

Commissioner Mourdock: You read my mind. I was about to make that as a motion. What my motion would be, would be that we draft a letter to the Council asking them, in the form of a resolution, to support at the dollar levels of the past year for, and you were speaking of three years, but I would say for the next two years, and, well, let me stop right there with the motion.

Commissioner Mosby: I'm going to say three, because if we negotiate contracts for the next year, it's going to be for three years.

President Fanello: You're, are you speaking in terms of the Teamsters contracts?

Commissioner Mosby: Uh-huh. Because he's got three of them we're getting ready to—

President Fanello: And he's right, I mean—

Commissioner Mosby: Because he's got three of them we're getting ready to start on, and I've got one going right now. So, you've got four contracts you've got for three years.

President Fanello: So, if we're going to commit to them for three years—

Commissioner Mosby: So, they are going to have to commit for three years.

President Fanello: —we need to commit to (Inaudible).

Commissioner Mourdock: Okay.

Bill Fluty: I would like to make a comment. The Council won't meet, I believe you've got a calendar in front of you, could you give me the date that they will meet?

President Fanello: The last Wednesday of the month is the 27<sup>th</sup>.

Bill Fluty: I think before they can do any action is actually in December, is that correct?

President Fanello: Can they not, they've passed resolutions before at Personnel and Finance meeting.

Commissioner Mosby: They don't have to fund it, they just got to commit to it.

Phil Hoy: We—

Bill Fluty: Let me get to my point.

Phil Hoy: Okay, Phil Hoy, County Council. In the Personnel and Finance Committee meeting we can, and we have passed resolutions.

Bill Fluty: Okay, with that answered, if they do that, and that date is the 27<sup>th</sup>? Is that correct?

President Fanello: Uh-huh.

Bill Fluty: Open enrollment is eleven days into the process right now. We're actually taking information from employees, and building that data base, which we have to put in in early December to pay out. So, we have this time crunch if you're going to change, actually. I just want to put that in there, so you....this is—

Phil Hoy: I would suggest that you might ask the Council for special meeting of the Council just to discuss this.

President Fanello: I think that would be a very good idea.

Phil Hoy: I think that's the best approach.

Dennis Woehler: Dennis Woehler. I might add to what Bill was saying there, I think the 27<sup>th</sup> is the actual drop dead date for—

President Fanello: Drop dead date.

Dennis Woehler: –open enrollment. That’s the final day, isn’t it? The 27<sup>th</sup>? So–

Bill Fluty: In the plan we’re under right now it is.

Dennis Woehler: It would be, it would be a real help if we got an answer sooner than that.

President Fanello: So, if you work on the procedural changes this week, and we draft a letter to the Council this week, and send it as soon as possible, maybe we ask them for a special meeting next week.

Commissioner Mourdock: As long as there’s no notice implications.

President Fanello: I think they can–

Commissioner Mourdock: If the Council wants to have a special meeting–

Kevin Winterheimer: 48 hours.

President Fanello: 48 hours. Did you want to amend your motion to that? Is that necessary?

Commissioner Mourdock: Yeah, I’m trying to think how I amend that motion. The letter, I understand David’s concerns, so I’ll amend to say that we ask them for a funding commitment for three years, instead of the two, and that they would have a special meeting on, give me a date.

President Fanello: Somewhere near the week of the 11<sup>th</sup>. I don’t know, I mean, they will have to pick a date that’s convenient.

Commissioner Mourdock: This is the 11<sup>th</sup>.

President Fanello: Oh, that’s right. I’m sorry, the week of the 18<sup>th</sup>. Is that–

Commissioner Mourdock: Yeah.

President Fanello: –because we’ll have to wait and get his procedural changes back–

Commissioner Mourdock: Okay.

President Fanello: –you know, we haven’t really acted as a board yet.

Commissioner Mourdock: Why don’t we do this. Let’s ask them to hold a special meeting on November 20<sup>th</sup> to deal with this issue, and to discuss, and, hopefully, pass such a resolution.

Commissioner Mosby: Why can’t they have one next week?

President Fanello: That is next week.

Commissioner Mourdock: That is next week.

Commissioner Mosby: Oh, okay. I thought you said the 18<sup>th</sup>.

President Fanello: Next week, the 20<sup>th</sup>, on the Wednesday. Is that okay?

Commissioner Mosby: Yeah, that's fine.

President Fanello: I forgot we're already in the week of the 11<sup>th</sup> here.

Commissioner Mosby: So, the 20<sup>th</sup> –

Commissioner Mourdock: Right.

Commissioner Mosby: –we're asking them–

Commissioner Mourdock: Ask them for a financial commitment for three years, and ask them to schedule a special meeting on Wednesday, November 20<sup>th</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Okay.

President Fanello: Okay. So, Dennis, yes.

Norman "Red" Mosby: "Red" Mosby, Perry Township Trustee. I would just like to ask you all, and including Dennis, from now on when this happens why we couldn't get a letter of notice of what's going on. I thought the meeting last week was for to see what was going to happen. Here it's already passed, and we didn't know it. We didn't know what was going on. I think we ought to know whenever you do something to our insurance. We ought to be notified. That's all I've got to say about it.

President Fanello: And I have to say, I don't know are the Township Trustees offices notified about the monthly health insurance meeting.

Norman "Red" Mosby: Yes. We got a, yeah, we know about that.

President Fanello: Because–

Norman "Red" Mosby: What I'm saying, I'm talking about when there's a change–

President Fanello: Changes.

Norman "Red" Mosby: –like what's going on now. I didn't know nothing about it until–

President Fanello: Okay.

Norman "Red" Mosby: –that meeting last week. I think we ought to be able to know about it next time. One other thing I would like to correct, while I'm up here. My address is 4319 Broadway, not 2906. Which the Auditors office and Treasurers office have been sending my stuff to 2907 Broadway. I moved five years ago.

President Fanello: Alright. We will move on to, is there anybody else in the audience wishing to address the board at this time?

Kip Husk: My name is Kip Husk. I'm the President of Husk Companies, Incorporated. We reside, our business, at 1115 Indy Court. I don't know if anybody is, has had a chance to go down Indy Court, I'm sure the Sheriffs have from time to time. Isn't that a beautiful street to travel down? I do have some pictures that I would like to present. I am representing the ten property owners who own Indy Court, at this point, because the county has not accepted it into their road repair program. I have, over the last five years tried to deduct the cause of the problem, and, basically, what I can gather is that upon it's construction, approximately 20 years ago, Jeff Kempf, who was the contractor who built the subdivision, or the owner of the subdivision, I guess, the developer had built the road and specifications according to Andy Easley, who was the then County Engineer. The construction of it was supposedly approved by the County Engineer, but was never accepted by the county upon it's completion. We get into a he said, he said kind of a situation that nobody wants to take responsibility for it. The problem that we have is that we have ten property owners who own Indy Court right now, and a very major problem. I will pass out the pictures for you to take a look at. The situation that we have is we have asked the County Engineer for the ability to repair Indy Court ourselves, at our own cost. With this being done, it would cost us approximately \$10,000 to repair the damaged sections that need to be repaired, so that we would be able to have egress without any kind of problem. As you can see, in some of the pictures there are water holes, not puddles, and gravel filling the areas that we're not allowed to fix. The problem is increased dramatically because when we are told that we cannot fix the problem, that the entire road has to be torn up and replaced at a cost of \$87,000, it then becomes an approximately \$8,000 per property owner fix. I am three of those property owners. That being the case, \$24,000 would come out of my own pocket to replace the entire Indy Court. Now, if you've been down Indy Court, you'll also understand that not every section is in bad condition. It has been in a similar type of condition, as it is right now, for approximately 10 years, five of which the problems that had started to occur really accelerated their deterioration by freezing and thawing. I'm here to ask for the ability to repair Indy Court, and give it to the county. The situation that I have with the County Engineer at this point is a stand still. Now, I understand that there may be some new assessments being made of the repair. I have talked with Kevin Winternheimer over the last couple of days in trying to assess whether or not we will be allowed to fix Indy Court at our own cost, and then give it to the county for them to be able to maintain. Cost is really the issue. We understand it's a problem. It is not our problem, other than the fact that we own the property that was not accepted 20 years ago by the county. Now, I did not own the property 20 years ago, nor was there a problem 20 years ago, but there is a problem today, and it's very significant. We would like the ability to fix this problem, and be able to give it to the county for them to maintain. I would be happy to answer any questions. I am, for the record, I'm representing Larry and Dale Wright, Husk Companies, Incorporated, Husk Signs, Hardison Woodcrafters, Freeman Heating and Air Conditioning, A & S Construction, J & B Fan, D & F Distributors, and A-1 Door Specialties. We have a 90% consensus, I guess, that we are all willing to make these repairs. In fact, I have some checks from some of the individuals, on the estimates that I have gotten to repair the street. We would just like to have that ability to do so, and not be rejected after we have spent our money to repair, hopefully, your street—

Commissioner Mourdock: So, Mr. Baskham, let me ask you the question—

Kip Husk: Yes.

Commissioner Mourdock: –and I've heard you say it a couple of different times, I think, but, are you saying to us that you and the other fellows and ladies up and down that street are willing to make the repair, and then you are asking us, once you do that repair, are we going to be willing to accept it?

Kip Husk: That's correct.

Commissioner Mourdock: The only way that this board would say no to that would be if the County Engineer told us that the road was not built, or constructed, or designed to county highway standards.

Kip Husk: Correct.

Commissioner Mourdock: So, is there any fatal flaw out there now that, John Stoll, you see that would prohibit that from happening?

John Stoll: Based on what we've seen out there, I don't think there is any way on earth you could get this road repaired for \$10,000. It's in such poor condition. From what we know about it, it has five inches of concrete, or maybe less, so, that part doesn't meet standards.

Kip Husk: Eight inches. The section that was taken up was actually eight.

John Stoll: The, if it was repaired, and it met county standards, sure, we could accept it, just like we did Westwood Hills.

Commissioner Mourdock: And there's nothing about it, at this point, easements are too narrow, or drainage is all screwed up, or anything like that? There's nothing design wise that would keep us from accepting it?

John Stoll: The drainage does not work. We've got several pictures from today where there's water ponding in the cul-de-sac. Now, if that could be corrected, there, again, yes, it wouldn't be a problem.

Commissioner Mourdock: Okay, so, Mr. Baskham, are you saying that you know what those items are that need to be corrected to bring it into county standards?

Kip Husk: Husk. Kip Husk.

Commissioner Mourdock: I'm sorry.

Kip Husk: Kip Husk is my name.

Commissioner Mourdock: Oh, I'm sorry.

Kip Husk: What I'm proposing is, the section that is holding water right now has no concrete in it. It's rock. If we were to repair that section it would not pool, it would drain. It doesn't drain well because there is only one drain in the entire 700 and some odd foot stretch of street.

Commissioner Mourdock: Okay.

Kip Husk: There are approximately ten sections that are in major disrepair that need to be repaired. That we are full, well and willing to repair right now, so that we can actually pass through Indy Court in a two way traffic type of a situation.

Commissioner Mourdock: Right.

Kip Husk: Those ten sections are what we need to repair right now, so that we can do that. If, from what I understand there is a law in place called a Barrett Law that would allow for the county to be able to fund through bonding the repair of the street, and put it onto the property taxes over the next ten years.

Commissioner Mourdock: Uh-huh.

Kip Husk: We are willing to go that route if the county so sees fit.

Commissioner Mourdock: And if we were to—

Kip Husk: However, I don't think it will last another year and a half that it would take to be able to get this through, and I think Kevin can support that fact.

Commissioner Mourdock: What are you saying takes a year and a half? The Barrett Law?

Kip Husk: For the Barrett Law to be implemented, and to the—

Commissioner Mourdock: We've done Barrett Laws much quicker than that in the past.

Kip Husk: Kevin, would you like to comment on that?

Kevin Winternheimer: I don't have an exact time table, but it would take a while because of the hearings. I don't think it would take a year and a half, but it would take a while to get that through, because you have to have the different hearings. Once you establish the costs, and put together the project, and so forth, and have all that. I don't have an exact time frame, but—

Kip Husk: If we would be allowed to, or if the county would see fit to repair the ten sections that need to be repaired, and be credited accordingly for such an action, I think it would benefit everybody accordingly. If we repaired it, it would take that much less repair to be able to fix in the end product anyway.

Commissioner Mourdock: Maybe, I mean, we don't want to fix it just to have to take the replacement.

Kip Husk: What we're proposing is to fix it a section at a time, worst first. Which makes good fiscal sense for us as property owners, if we have to pay 100% of it. We want to be able to pass it. We want to be able to pass through it. The problem that we have right now is we can't. You really need to go down and take a look at this street. It's putrid. We've got heavy trucks that pass through there. A & S has heavy trucks that pass through there. The problem is ours are not the heaviest trucks. There, it is a heavily used truck turn around for the transportation industry, which is very thick in that area. People don't want to have to back into a certain area, so they go down to our cul-de-sac, turn around, and then make their entrance into the trucking depot, whichever it is, that they are actually unloading their goods

into. The problem is that the rest of the county is using it, deteriorating it, and we're having to pay for it. So, it's not necessarily an equitable situation for us. I'm up for any ideas at this point, and I can speak for 9/10 of the property owners.

Commissioner Mosby: I mean, I would be willing to accept it if it's code. I mean, if you get with John Stoll, and you put it into county code, and he tells me that it's acceptable, I mean, I would be willing to—

Kip Husk: And we'll be happy to put it in to code, the problem is we're not allowed to repair it section by section. According to the comments that I have been given.

Commissioner Mosby: John, if it's private drive right now, why, what's the—

John Stoll: The problem is that section by section, I don't know who will have my job, or who will be sitting in your seats at the time that all sections have finally been replaced. So, for us to be able to commit up front that, yeah, we'll accept it if you replace them all, well, the first one that gets replaced might be destroyed by the time the last one gets fixed, and that's the part that—

Commissioner Mosby: Well, if that's the case, I would never accept it.

John Stoll: Right.

Commissioner Mosby: I mean, it's going to have to be all acceptable at one time, you know, with the drainage corrected, or then I would say, no, I won't accept it.

John Stoll: And that's the part that I don't know how we could commit to. I mean, as far as replacing the section that Mr. Husk had removed, that's no big deal.

Commissioner Mosby: I mean, I would think it would be to his benefit to do it all at once, because if he replaces ten sections, and a year later three sections break up, well, he's going to have to replace them, and he could chase it for the rest of his life.

Kip Husk: Understood. All we need is \$87,000.

Commissioner Mourdock: And I don't think we're making any commitment here that we otherwise don't make to every developer that comes in anyway, in the sense that any road they build, if it's up to code the day they bring it in here, and it was designed to code, then we're highly inclined to accept it, so.

John Stoll: And that would be fine. If it meets code and everything, I would recommend that it be accepted. The problem is the area that's rock in those pictures that was going to be patched, one of my inspectors was out there, and they were planning on pouring that with five inches of concrete, which does not meet county codes. So, that's why our inspectors said stop, otherwise you're wasting your money. They could have chosen to go ahead and do it, but it would have been a waste of money.

Commissioner Mourdock: The best way to avoid that problem is as they are getting ready to do the construction, section by section, or whatever, to give your office a call, have somebody come out and take a look at it, and make sure it's being built to code.

Kip Husk: That correction has been made, and the estimates that we have received, it was originally going to be five inches, we received a plan from Mr. Stoll's office that required it to be seven. We did change that in the requirement to the contractor who was actually doing the work—

Commissioner Mourdock: And do you have someone with the contractor who is certifying the as-built?

Kip Husk: Pardon me?

Commissioner Mourdock: Do you have someone who is working as a contractor who can certify the as-built specifications?

Kip Husk: I believe so.

Commissioner Mourdock: Okay.

Kip Husk: Yes. There was also an option that was put on the table by one of the property owners to try to find a way to get it to a base that would be acceptable for asphalt, instead of...basically, instead of tearing up the entire road, which for 80% of the, for all practical purposes is a good, solid concrete base, as it is, and then replacing it with, or not replacing it, but covering it with a paving that would seal, and allow moisture not to get through and freeze and thaw and separate accordingly. Would probably be a lot more cost effective route to go, but, I believe, if I'm not mistaken that the estimates that the county has given us include demolition of the entire street, and reconstruction of the entire street, instead of using the base that is there now. Is that correct?

John Stoll: That's correct. One of the options was that, but as you can see from those pictures, there, the cracking is so extensive on that road, that we'd see reflective cracking in any asphalt overlays that were put out there on that road. So, it was our opinion that we would just be creating a long term maintenance problem for the county whenever all those cracks started coming back through the newly laid asphalt.

Kip Husk: My only other comment would be that if we could speed up the process that I have heard that it takes on any of the Barrett Laws that, or Barrett Law that we'd put into place, I do have commitment from the property owners to be able to implement that onto the property taxes accordingly, and pay it over ten years. From what I understand, that is the pay out period. The situation that we've got is we can't come up with \$87,000 divided by nine, eight, seven other property owners. Some of us can't come up with the dollars to be able to come up with our portion of it, but we're not going to come up with it for the other property owners who should take responsibility for their portions of their property. And not that they won't come up with it, they can't come up with it. \$8,000 is not an option for them. In the economic times that we're in, some people don't have the \$8,000 to be able to come up with to be able to make their portion of the repair.

Commissioner Mourdock: But, if we do it by Barrett Law, they're going to have to, you realize?

Kip Husk: Over ten years.

Commissioner Mourdock: That's right.

Kip Husk: Correct.

Commissioner Mourdock: But they are going to have to.

Kip Husk: Over ten years though, not up front.

Commissioner Mourdock: Yeah, I understand.

Kevin Winternheimer: If I might make a comment. In my 21 years with the city, we had never done a Barrett Law. Barrett Law is an extremely arduous task. You have done it for sewer projects. I called around the state, some people I know, and tried to find out what their experience in the Barrett Law is, and finally ended up, I couldn't find anybody that had done one. Finally ended up with Tom Pittman, and asked him if their firm had done one, and he said, yes, they had. Based on his experience, if I might, if you want some comments on Barrett Law, he said that Barrett Law essentially is the most expensive way to build a street. Barrett Law, what you have to do is go through these various hearings, and various procedures. Then you end up selling a bond. The bond costs, the bonds are usually pretty small. In this case, I guess, you would be talking about \$80,000, \$90,000, something like that, just for construction, you would have to add on to that the attorneys fees for preparing the bond, issuing the bond, all those costs are extremely high due to the, when you compare it to the amount that you are borrowing. In addition, if you have one property owner that wants to throw a monkey wrench in the project and appeal your various hearing decisions, that can delay the project, and maybe that's where I might have said a year and a half, but that can delay it. If everybody is on board, it can be done. The property owners may elect up to 30 years to pay it back, and he said that is one of the elements that is another concern, which is who is going to buy your bond. You may go through the whole procedure, and you have a small bond payable back over, essentially, over 30 years, if some of them elect to go 30 years, and a lot of financial institutions don't, do not like to handle those. A small amount of money, long time pay back, he said what he would recommend if you ever do one, he said is try to find a particularly a local financial institution that is at least going to bid on the bond for you, because you may find out that nobody wants to buy those small bonds with that long a pay out. Now, in theory, I guess, if all the property owners agreed you could do a ten year, if they all agreed to pay it back in ten years.

Kip Husk: I would rather go the 30 myself.

Kevin Winternheimer: Do what?

Kip Husk: I would actually rather 30 myself.

Kevin Winternheimer: Yeah, but there again, you may end up paying an extremely high amount, because your interest rate is so much higher, because of the 30 year nature of the bond. The bonds sell for what they sell for, and if there is not a very big market, they are going to sell very high, and the interest rate is very high. I ask you, so what's your sort of bottom line, and final thought? He said, he said he seriously, you know, if someone came to him, he said, Barrett Law is an absolute last resort. He said as far as the cost of all the fees that are going to be tacked on in addition to your construction cost, it would actually be more economical for the property owners to get a second mortgage, and pay it off through a conventional bank loan, rather than to go through all the rigamarow, you know, I mean, he kind of jokingly said, you know, if you're doing a bond issue, you know, whether it's \$80,000 or \$800,000, you know, that's a matter of typing in some more zeroes, but

your cost, your fixed cost and the preparation, going through all the motions are still there. I'm not saying that the cost is the same, but you understand his point, the paperwork is the same. So, there's a certain bottom level of fixed costs that are going to be added on to those construction costs. So, there again, it's probably the most expensive way to build a street is a Barrett Law. It can be done, but it's very expensive, because of all the paperwork involved, and issuing the bonds, going through all that procedure.

Commissioner Mourdock: Yeah.

Kip Husk: As a correction, and correct me if I'm wrong please, but I believe it's only 60% of the property owners that actually have to agree to it for—

Kevin Winternheimer: None of them actually have to agree. We used different numbers like that over the years as sort of how many are we going to fight. You know, in anticipation when the city did it, they did a quasi-Barrett Law back in the early 80's, and they used a figure, I think, of 90%. 90% of the people signed up, they were willing to go ahead. The only reason you use numbers like that is anticipating how many people are going to fight it, and how big an effort are they going to put together. If 90% of the people are against you, then you know they are probably going to chip in, they are going to fight you every way. If you've got 90%, in your case, if nine out of ten property owners are for it, maybe the one that isn't willing to put up the fight to fight the Barrett Law says, because as I said, as you make hearing determinations that can be appealed to court, and that can really set you back.

Commissioner Mourdock: I'll just add that since I've been on the board we've done five of them here in the county. You're right regarding the marketability of the bonds. I think, in every case the bonds have been picked up here locally, because that was part of what we worked through initially was to make sure we did have a local financial institution that was willing to do it. I don't disagree that for the property owners, probably going to that second mortgage would be the cheaper route, but for whatever reason, especially with some of the sewer type projects we've had, it isn't even that simple. This one might be a little more simple in that regard, if they chose to do it. But, yes, it might be more expensive, but then the question is, who's it more expensive for, those who are getting the benefit, in this case the property owners, or the county?

Kip Husk: Mr. Mourdock, with respect, what we're looking for more than anything else is flexibility to try to solve the problem, however we can. Even if we have to do it ourself, but if we do it ourself the time value of money says that it's more equitable to do it over time.

Commissioner Mourdock: Sure.

Kip Husk: Not all at once. It's a burden that is unbearable doing it all at one time. All we're asking for is the flexibility to take each section, to bring it to code, and to allow it to be passable so that when all of the sections are repaired, that it will be adopted into the county for their maintenance program. Does that mean that all of the sections will be a 100%? No more than they are now, 20 years from now. If it takes us 20 years to be able to repair all of the sections. If they are all done to code, then even if they are done by piece, it would still be a maintenance situation for the county over the years to come. Now, where are those dollars going to come from then? Where should they have come from ten years ago whenever it needed it's first repaving? It's a situation that time is never going to heal. It's never going to be

a correct answer where it's all 100%, unless it is all redone, and that is not an option unless we have it done through a bonding issue.

Commissioner Mourdock: And with the idea that flexibility is important, it would seem to me right now there is a lot of flexibility, and it's basically your choice. Either you, and I speak in the plural when I say you, meaning all of the folks involved here. Either you sit down with the County Engineer, and say what exactly do we need to design, and how do we need to implement these repairs--

Kip Husk: We've done that.

Commissioner Mourdock: --so that at the end of them--

Kip Husk: We have done that already.

Commissioner Mourdock: Well, maybe not to the detail that I'm envisioning it based on the comments that John made about thickness of the concrete, and having somebody inspect it when the concrete is poured, and those kind of things.

Kip Husk: It can't be done a section at a time, according to what he has told me. Unless something has changed.

John Stoll: The way I took the section at a time comment was that it was an assurance that we were going to accept it in the future, and I can't give anybody that.

Commissioner Mourdock: I understand, yeah.

John Stoll: If we go out there and inspect it, and I send Tom or Dave or whoever out there and look at it, and if they pour it properly to meet code, I guess, we can find a way to document that, yes, that section met the code.

Kip Husk: Right.

John Stoll: What it looks like when all of them are done, that remains to be seen.

Commissioner Mourdock: Right.

John Stoll: But, I guess, piece by piece, yeah, we could say that. The problem is if one piece of concrete, one slab is good, but the adjacent one's are bad, all that water is going to continue to get down underneath the one that was just poured, which could accelerate the failure of that. So, there's some problems, but, in the end, if the entire street looked good, then whoever has my position at that time that the road is done can come up and make a recommendation.

Kip Husk: As well as whoever owns the property then, as well. There's nothing to be said that the same property, in fact, I somehow doubt that all of the property owners that who own the property right now, will own the property 20 years from now. The problem that we have is, if it can be implemented into the Barrett Law, then if it can be distributed over the next 30 years, then it's distributed through however many property owners own that property throughout.

Commissioner Mourdock: If that's option number two. If you wish to proceed with the Barrett Law, then we prepared....I don't know if you got them from Phil, or if Phil got them from Joe, but, at one time, we prepared a book that was, basically, a walk

through list as to how you go through the Barrett Law process. So, if you want to get one of those from Kevin, or, you know, we can work to make sure we get them, so that Kevin has them. That may be the next thing you want to do.

Bill Jeffers: If I may interject about one minute's worth of comments. My name is Bill Jeffers, County Surveyor. I don't believe you can legally accept a roadway unless it's connected directly to an accepted county roadway. So, if they did it in sections, they would have to start at Baumgart and work back. They couldn't pick and choose.

Kevin Winterheimer: Right, you would not want to have a county road without access.

Bill Jeffers: It can't be separated.

Commissioner Mourdock: But, when I...let me clarify something. When I hear section by section, what I hear Mr. Husk saying—

Kip Husk: Worst first.

Commissioner Mourdock: Yeah, as how it's repaired, not how it's accepted.

Bill Jeffers: Worst first, the worst may not be connected to the county road.

Commissioner Mourdock: But, again, that's construction, not acceptance. To me, when we talk acceptance, we're going to accept the whole thing on one day.

Bill Jeffers: It seemed like somebody wanted it to be accepted as they constructed it.

Commissioner Mourdock: No.

Bill Jeffers: Second thing, I think they might want to investigate leasing. Either a contractor can come in and build the road, and lease it to the property owners over a period of time, or the road could be accepted by the county with a document that they will, after the period of the lease has expired they will maintain it into the future, and they might lease it from a construction company for 10 years. Or the county can build, the county can contract with a company to build a bridge or a roadway, and the county can lease it from the construction company for a period of time. A legal arrangement could be worked out in that regard. I agree with Kevin. I've been in a Barrett Law situation, and by the time we got through with our sewer, it had gone from \$2,500 a house to \$6,100 a house.

Commissioner Mourdock: Do you live out towards Darmstadt?

Bill Jeffers: No.

Commissioner Mourdock: Okay. It sounds like our experience.

Bill Jeffers: That was the first one you all ever did, the Kimball-Caranza sewer. We only had three remonstrators out of 52, and by the time they got through tearing us up the price had gone from \$2,500 a house to \$6,100 a house. In closing, this particular subdivision has been there for a long time, and the developers chose not to build to county standards originally, and sold the property to these individual property owners—

Kip Husk: Not to our knowledge.

Bill Jeffers: It was all on the plat. I mean, they chose to do that for an economic reason, and I would say that probably the most economic way to remedy it, at this point in time, would be through a lease arrangement.

Kip Husk: Kip Husk. If we were to lease arrangement this property, that basically means that we own the property, could we charge a toll, at that point? To all the truckers—

Commissioner Mourdock: It's your road.

Kip Husk: —who are using it? The fact that—

Bill Jeffers: Right now you can gate it, if you wish.

Kip Husk: The fact of the matter, right now, it's open to public, and it is a public used road. It's used by extremely heavy traffic. So, basically, we have to be responsible as the owners of this street, as I understand it, to make sure over the next ten years or 20 years, whatever it takes, to be able to make sure that no concrete (Inaudible. Someone coughing.) back there, and busts up the work that we are actually building, according to specs, to try to get the problem to go away. So, if it's not approved section by section, and if it can't be approved section by section, then there is no way to ensure that if we're allowed to be able to fix this problem ourself it will ever be accepted by the county. Again, we inherited this problem, we didn't create it. We inherited it.

President Fanello: How would the board like to proceed?

Kevin Winternheimer: Let me ask something, if I might. John, if I remember correctly on others that have talked about Barrett Law, wasn't one of the first steps they did is they hired their own engineer, and that engineering firm came up with drawings and plans and specifications—

John Stoll: Correct.

Kevin Winternheimer: —and maybe even preliminary cost estimates on what their estimate, what it was going to cost. They ate the cost, the county didn't, and brought it back to the county and said, here's what our engineer has drawn up, and then John would say yea or nay to it, based on his review.

Commissioner Mourdock: I believe the county always got it's money back, as well, over the period of time. You're right, we did the original engineering costs, but that cost became part of the Barrett, didn't it?

John Stoll: No, the people petitioning for the project have done, have paid for the engineering costs.

Commissioner Mourdock: Okay.

John Stoll: Basically, all the costs have been—

Commissioner Mourdock: Okay, so it didn't come out.

John Stoll: –borne by the people petitioning. The only thing the county has provided at no cost has been inspection during construction, and the bidding services.

Kevin Winternheimer: And your review. Your review of the plans to make sure they comply with–

John Stoll: Right.

Kevin Winternheimer: –the standards.

John Stoll: If , all we need to do, if it was going to be replaced section by section would be to document in our files that, okay, at such and such a date–

Kip Husk: (Inaudible) section for repair.

John Stoll: –that “x” number of feet off of Baumgart Road, this was replaced, we could put that in the files. There again, there’s no guarantees what it will look like, but we could have our inspectors put memos in our files saying that on such and such a date it was poured and met specs.

Kip Husk: And that would help our cause accordingly, if that were to be allowed to happen. That would give us the, I guess, the proof that the sections were replaced, and the, I would like to address one situation, that there is no guarantee that Weinbach will ever be good ten years from now either. No more than I can guarantee that the work that we do out there will be as good ten years from now. It will deteriorate. It’s going to. It’s not a God made piece of magic. It is literally something that will deteriorate over the years.

Commissioner Mosby: John, are you saying that if they pour a section tomorrow that we go ahead and accept and approve it?

John Stoll: No. No.

Commissioner Mosby: Okay, that’s what I wanted to make sure of, because if he gets done after the end of two years, and the first two sections have cracked, I mean, I don’t want to be committed to accepting that. I wouldn’t accept it.

John Stoll: If it was cracked, but the slabs–

Commissioner Mosby: Or if it’s slipped and fell in–

John Stoll: –have fallen and settled–

Commissioner Mosby: –yeah.

John Stoll: –then it might be a situation where you just seal the cracks, and then it would still be acceptable. As far as accepting it, no, it would be just a memo in our files, basically, saying that on such and such a date the particular section was replaced, that they poured “x” number of inches of concrete, that the subgrade beneath the core was in good shape, things like that, that say that, yes, that slab met specs.

Commissioner Mosby: I just wanted to make sure we understood each other.

John Stoll: No, I'm not recommending acceptance up front.

Commissioner Mourdock: Catherine asked me a moment ago where do we go from here—

President Fanello: Right.

Commissioner Mourdock: —again, I think the ball is in your court, Mr. Husk. If you want to put on a piece of paper the type of plan that John just talked about to bring back before us, I think you've heard the opinions here, we're not going to accept it on a section by section basis, but if, when all those are completed, it meets standards, then we would likely accept it.

Kip Husk: If that would be the case, then could the Barrett Law be implemented to be able to make this happen?

Commissioner Mourdock: Well, that would be—

Kip Husk: Or (Inaudible) estimates accordingly, so that we can—

Commissioner Mourdock: I think if you tried to use...I don't have any experience where the Barrett Law has been used in a piece by piece type thing. If you were to totally rebuild that street, I would see the Barrett Law application—

Kevin Winternheimer: Right.

Commissioner Mourdock: —because of the total cost. But, if you are just doing it on a piecemeal basis, I don't think, number one you'll get the design work—

Kip Husk: But, there's no assurance that after we're done spending our \$80,000 over ten years, or 20 years, however long it takes to keep that road in repair for egress, there is no way that I can be assured that we spend \$80,000 that it will ever be accepted. If that's the case, then we're wasting our money over a ten to 20 year period of time. If that's the case, that's not really good fiscal responsibility on anybody's part. We're trying to make the problem go away, so that the public, the entire public, not just Husk Signs, and G.R. Freeman Heating and Air, and Larry and Dale Wright, and the rest of the people who own that property, but for Ryder, and for Holland, and for Yellow Freight, and for everybody else who passes down that street as a public road, not as a private road, to be put into that equation. That's not our responsibility.

Commissioner Mourdock: But, it's your road.

Kip Husk: But, it shouldn't be.

Commissioner Mourdock: But, when you bought the property, you bought the road, the way it sounds.

Kip Husk: Not to our knowledge, by the contractor who built the property.

Commissioner Mourdock: Is that road not part of your deed?

Kip Husk: It was not. We were given a property with acreage, not a road attached.

Commissioner Mourdock: And you don't believe that your property goes to the center line of that road.

Kip Husk: I have since found out that it does, but not according to the plat that I was sold.

Commissioner Mourdock: Okay.

Kip Husk: That's the problem that I have. It's not a situation that we knew that there was an existing problem whenever we purchased the property. I purchased two of the properties before I even found out that there was a potential problem. I purchased a third property after I knew that there was a problem. But, in knowing that we could afford to repair the street as need be, but not given it being done at one time. Originally, upon my original meeting with Tom Goodman, he had said that we could repair it piece by piece, and that's why the actual road was taken up, we were going to repair the worst first roads, and be able to give them to the county for inspection, so that they could be repaired accordingly. After we had torn the road up to repair them, we were given a second phone call that said, no, we've got to re-figure this. We've got to be able to make some changes somehow. So, we were left with a road that we had to fill back in with gravel until some kind of resolution could be made on whether or not the sections that we repaired would be accepted. So, from that point, we were at a loss. I mean, literally, we have a gravel road now, in a lot of the case down there, and a lot more sections that really need to be a gravel road, rather than broken up concrete that tears up trucks. If we were given flexibility, somehow, anyway, it doesn't matter how, we can repair the problem ourself, without having to burden the county. As long as we're given flexibility by the county to accept the road.

Commissioner Mosby: What do you mean by flexibility?

Kip Husk: The ability to repair it piece by piece, and accepted piece by piece until it is entirely done and acceptable so that—

Commissioner Mosby: I would never say that. I mean, I would never say that you repair a place tomorrow, and I'll accept it, and then, I mean, that road would have to be acceptable to county standard before I would accept it. I mean, that's the way we treat everybody. If we start piece mealing everything, I mean, we would be in a world of hurt.

Kip Husk: As we are now.

Commissioner Mosby: But, I mean, everybody building a subdivision today could ask us to piecemeal, and accept—

Kip Husk: No, I believe that every subdivision should be built to standards, and they should be held to the responsibility of building it to standards by the governing body, at the time. They weren't. They were not held, their feet were not held to the fire to build it to the specifications, so that—

Commissioner Mosby: They didn't want it to be county standard.

Kevin Winternheimer: Today, to address your question today, there would be a letter of credit. They would have built it to standards, or they wouldn't get their letter of credit released. So, you're right, that problem existed, and, unfortunately, you're in

a subdivision, where before the letter of credit standards were imposed, you're there. So, have we addressed it? Yeah, we've addressed it for new construction.

Kip Husk: But, the letter of credit would be held open for 20 years?

Commissioner Mourdock: Yes. Whatever it took.

Kevin Winternheimer: Whatever it took, yeah. And they would keep paying on that until they fixed it, up to standards.

Commissioner Mosby: That's why they come get them taken out.

Commissioner Mourdock: Yeah, in fact, we had a discussion here in drainage board just two weeks ago with that exact issue. Where an engineer was out there with his letter of credit on the line, and someone came in after the fact, and did things different than what his design called for them to be, and he wants us to release the letter of credit, and we can't.

**(Tape Flipped to Side B)**

Kip Husk: (Inaudible) because then I will ask a question of each of you, and your own knowledge, including Mr. Stoll. If this were your property, what would you do? Besides hurt financially.

Commissioner Mosby: Talk to my neighbors, and see what I could do to correct it to get accepted.

Commissioner Mourdock: And I would add to that, I would look at the application of the Barrett Law from the fullest potential of it's use. I mean, I just don't see, based on the points that Mr. Winternheimer made, if you try to go in and just do piece by piece with the Barrett Law, I don't think you're going to be successful, because you can't make it a big enough project to make it worthwhile.

Kevin Winternheimer: Exactly. If I might—

Kip Husk: I'm not asking for it to be piece by piece with the Barrett Law. I'm asking for it to be piece by piece, private pay. We will pay for it, as long as it's acceptable when we're done with it. So that the county can take it over.

Commissioner Mourdock: That's something other than the Barrett Law then. Yeah.

Kevin Winternheimer: I was going to say, you made my point, but, just to reiterate, Barrett Law is all or nothing on the project. When we do a Barrett Law, that's only a financing mechanism. We will do the construction by a bid contractor. Now, if you and your neighbors get together and come up with the money, and the plans are approved by John's office prior to construction, meaning they'll accept it, then you control construction to the extent of who your contractor is. We won't have any say in that, but we will have say in whether or not you build it as to what you told us you were going to build it, or what your plan said. I don't know if there is any cost savings in that regard, but that's something to think about. If we build it, it will be a bid project, and under all our guidelines and standards. But, Barrett Law is just a financing mechanism. That's all or nothing. When you go that route, we control the project. You just pay for it through your taxes.

Kip Husk: Understood. The relief of private pay, okay, it takes the burden off of the county. That was what we were trying to do, to try to get this to happen expeditiously. It still doesn't change the fact that there are, 90% of the traffic there is not our traffic. It's not business thoroughfare type traffic. We are not businesses that get ten and 12 customers a day driving by our location. It's mainly truck traffic turning around in there that's actually tearing the street up, which has nothing to do with our situation, other than the fact that they are deteriorating the road. That's the only reason why I'm saying if we were to make these repairs, and they couldn't be approved section by section, no more than you can guarantee what Weinbach will look like ten years from now, I can't guarantee what Indy Court will look like, even if it's built to the specs and the standards. Nor can Mr. Stoll guarantee that if he builds it, it will look just like that ten years from now. There's no guarantee to it. Just because it meets the standards, doesn't mean that it will hold the life expectancy that your asking, your asking us to...that's part of the flexibility that I'm asking for, I guess, more than anything else. We're not asking for your money, we're asking for your flexibility to be able to take this over in ten years.

Kevin Winternheimer: If I might make one suggestion, and maybe you've already done this, but talk to the....what are their nine property owners? Nine lots, or whatever?

Kip Husk: There are ten property owners, I am three of them.

Kevin Winternheimer: Okay. What you might want to do is go to the others and say who can actually put up the money now, and see how many of those businesses can actually up front the money, and then try to find some financing mechanism, other than the Barrett Law, to finance the rest of the project, and get it done as a whole.

Kip Husk: The \$8,000 each? There are probably four.

Kevin Winternheimer: I'm saying that might save you some money other than the Barrett Law in the long run, and it certainly would expedite matters, as well.

Kip Husk: The problem with the four, that doesn't get us the project completed. That only gets it halfway done, and if it's--

Kevin Winternheimer: You finance the rest of the project somehow. Rather than financing it through the county Barrett Law, you finance it privately.

Commissioner Mourdock: Yeah.

Kip Husk: And if one of the property owners descends at that point, then it falls on the rest of the property owners accordingly?

Commissioner Mourdock: That depends somewhat on how your deeds are put together with the ownership of that land. I don't have a clue as to what that is. One other comment I'll make, you've several times commented about the traffic up and down the road.

Kip Husk: Yes.

Commissioner Mourdock: As Mr. Jeffers said, that's a private road, if you want to you can put a gate on that road to keep that heavier truck traffic out, and you're not going to hear any complaints from us, because it's a private road. So, that's one option

you have available immediately, if, in fact, that's what's causing you a lot of wear and tear.

Kip Husk: Thank you. Mr. Stoll, if this were your property, how would you handle it? Not as County Engineer, but if you were a property owner, how would you handle the situation?

John Stoll: I would try to do like Kevin said, see if there is any possible way to fund it separate from Barrett Law, because of seeing exactly what he's talking about, the costs increase when you do a Barrett Law project. Between the attorneys fees and bond issue costs, plus the way the projects are bid, there is no up front money, and that's clearly stated in our contract, which means the contractor has to float the interest of the project for the entire duration of the project. He gets no progress payments. So, all those things combined run the costs up. If there was any way possible, I would try and do it separate from the Barrett Law.

President Fanello: I don't think anyone, does anyone else have any comments?

Bill Jeffers: You can also form a lot owners association, collect equal shares in that, and anyone who doesn't pay their annual assessment, after the road is built, file a mechanics lien against that property.

Commissioner Mourdock: Again—

Bill Jeffers: So, if it's all written properly legally.

Commissioner Mourdock: Right, which Bill is referring to what I said a moment ago with the deeds. Depending what your specific deeds are, there may already be some provision where there is some, quote, neighborhood association, or whatever in existence. There may not be. There, obviously, should have been. Whether there is or not, I don't know.

John Stoll: I was going to say one other thing too, in regard to private work versus government work, the costs that we see for subdivision developers, their prices are always lower when they are doing their work, as opposed to when we bid the projects out. So, that also plays into trying to do things separate from a government contract.

Kip Husk: And that's where our costs were significantly lower on estimates that we found versus the county estimates. Now, if we were to be able to tear this entire road up, and be able to build it for \$40,000, there's still no guarantee, at that point, I believe, from what I'm understanding, that it would be accepted, even at that point.

Kevin Winternheimer: If I might, you bring plans and specifications in, and John will review those, and tell you whether or not they are acceptable. Then your only obligation after that is build it according to the plans and specifications. If they're still not right, that's not your problem. As long as we approved the plans and specifications ahead of time, and the contractor built them according to those plans and specifications, that's the two elements.

Commissioner Mourdock: And there's certification that he built them pursuant—

Kevin Winternheimer: Right. Right.

Commissioner Mourdock: -- to those plans.

John Stoll: That's what I was going to say. Whenever subdivisions are built, then, basically, we send inspectors out there to spot check that, but the developers also have testing firms testing the dirt beneath the roads, and things like that. So, there's a check both ways. From the government side and the developer side.

Commissioner Mourdock: I've been here eight years, Mr. Husk, and I don't recall a single time, in fact, I'm sure there's never been a single time when somebody didn't ask the board to take over a road or a street, when those three criteria have been met, that we did not take it over.

Kip Husk: And that is, in order, again, the plans per specs of the County Engineer?

Commissioner Mourdock: Right.

Kip Husk: Then certification of the plans?

Commissioner Mourdock: No, built to those plans. Then the third one is certify that it was built to the plans. You've got a design--

Kip Husk: Okay.

Commissioner Mourdock: --then you build it, you certify they built it based on the design.

Kip Husk: Okay. Alright.

Commissioner Mourdock: And John can certainly help you out with getting you that information.

Kip Husk: Okay. Thank you very much.

Commissioner Mourdock: Uh-huh. Thanks.

President Fanello: Thank you.

Madelyn Grayson: May we make a tape change please?

President Fanello: Uh-huh.

**(Tape Changed)**

Madelyn Grayson: Thank you.

President Fanello: Any other person in the audience wishing to address the board?  
Seeing none.

**Old Business**

President Fanello: Old Business.

Commissioner Mourdock: One bit of Old Business, Jobe's Lane, and Councilman Hoy mentioned this earlier. Just wanted to report, I went to the Council meeting the

other day, and that was being discussed, and there were several issues that came up, and I think they are going to send you, if you haven't seen it already, the meeting minutes of that part of the discussion. But, they were basically asking us to come up, or asking several groups to come up with a time table for what the engineering work would be. They wanted to know, and they are asking Jeff Ahlers for this, if, in fact, the county were to do something, if the legal suits that are pending would go away. It was also asked that the Health Department make a report on how many other similar types of sites there are in the county, so that they'd have some indication as to what future liability might be, and, last, how long the total process would take for the engineering, construction, design, construction, and certification.

President Fanello: Patty, will you call Sandie Deig, and have that formalized in a letter sent to the Commission for our response?

Commissioner Mourdock: That's the only Old Business.

President Fanello: Okay. Any other Old Business?

**New Business**

President Fanello: New Business. Any New Business? Okay, department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First, I would like to request to go to County Council to transfer \$15,000 from the Felstead Road Culvert Account to the Engineering Equipment Account. This would be for the purpose of purchasing a new plotter, new AutoCAD versions, and upgrades of our office software.

Commissioner Mourdock: Is it in the budget?

John Stoll: Yeah, this will be a transfer. That Felstead culvert project came in substantially under what the original estimates were, since we're going to slipline it instead of replacing it outright. So, that's why there's surplus money in that account.

Commissioner Mourdock: But, did you budget this year? Had you planned on getting that equipment anyway this year?

John Stoll: We got money in the budget for next year. This is all part of trying to get us connected to the GIS.

Commissioner Mourdock: Ah.

John Stoll: This is just trying to jump the gun on it, get parts of it yet this year, now that there's some money left in this account.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Second, I would like to request approval to make an offer on parcel number 14, on the Mt. Pleasant Road Project. This is owned by the Greer's, and the amount of the offer would be \$5,650.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, also on the Mt. Pleasant Project, I have a letter form Kenneth Eugene McCarmish, on parcel 17. He is requesting a \$375 increase, from \$2,225 to \$2,600. It's requested this be approved. He'll sign off on the right-of-way, if this is approved.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next, I was faxed a copy of a legal notice for the Lynch Road Project. This is section three on Lynch Road. Bernardin Lochmueller is going to proceed with advertising for the opportunity for a public hearing. Basically, it's one of the requirements of a federal aid project. They just have to post a legal ad, and if anybody wants to request a public hearing to discuss the project, then they contact Bernardin Lochmueller, but it does have Catherine's name on it as well, so just wanted to bring this to your attention. They are going to proceed-

<b>Old Business Revisited</b>
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President Fanello: While your...you just brought up the word Lynch Road, you made me remember some Old Business I was going to bring up that we need to move on. I received three quotes back for us to get moving on this TIF work for the Lynch Road extension. One quote was \$22,000, one was \$8,000, and one was \$5,000. I would like to accept the low quote, which was Clifton Gunderson.

Commissioner Mourdock: Do you have that to enter into the record or anything?

President Fanello: I do. I can get it for Madelyn. It's back in my office. I did not bring it to the meeting.

Commissioner Mourdock: Well, just so we have something in the record.

President Fanello: Yeah, I've got letters from each of them.

Commissioner Mourdock: Okay. I'll move approval of the \$5,000 TIF review.

President Fanello: That was a maximum \$5,000. They really thought it would be between \$3,000 and \$3,500.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Continuation of County Engineer Report**

John Stoll: Next, I've got the agreement for the evaluation of the watersheds out on the east side, as far as the flood plains go and flood ways go, on the revised FEMA maps. Kevin has reviewed the agreement, and is okay with it. Basically, it's with Morley and Associates for an amount not to exceed \$25,000. This is what was discussed a few weeks ago, whenever we first had some meetings with the County Surveyor and the Building Commission. This is just the agreement that follows up on the services you had previously okayed. One thing, in talking to Bill Jeffers just now, he was proposing a good change in the contract. Right now, item number five says services provided within this agreement are for the exclusive use of the client for the project only. Bill was suggesting that we modify that to say that for client plus, how was it worded, developers?

Bill Jeffers: Private developer to contribute to the joint project. Joint private-public project. We have substantial, we have substantial donations and commitments from private developers, who, yes, they will benefit from this, but since they are contributing as much as we are, we think that, as the client, we should be able to release that information to those developers who helped pay for it.

Commissioner Mourdock: But, are we releasing it to them in any privileged way? I mean, once we have it, it's public information, right? So, it would be released to everybody, including them.

Kevin Winternheimer: Does it say (Inaudible), Bill? I don't have it in front of me right now.

John Stoll: It says for exclusive use.

Bill Jeffers: For the exclusive use of the client—

John Stoll: For the project—

Bill Jeffers: —for the project only.

Kevin Winternheimer: I think the use is the term he's trying to key in on. You're right. It would be public information, but to use and rely on, they are trying to limit who it is. So, you could do what Bill said, or you could add the developers names to the client, as who the clients are, besides the county. Either way would get you where you want to go.

Bill Jeffers: Well, our purpose was to—

Kevin Winternheimer: Right.

Bill Jeffers: —effectively lower the flood plain, but—

Kevin Winternheimer: Right.

Bill Jeffers: –this project will generate data that is going to be extremely valuable to anyone who, in the future, conducts a flood way investigation in that development area.

Commissioner Mourdock: Okay, well–

Bill Jeffers: So, I didn't want to restrict the use.

Commissioner Mourdock: Okay, well I would move then that we accept the draft with the language, giving those who are participating similar exclusive use as we receive.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: In regard to what Bill was saying, the agreement total was \$35,140. So, \$10,140 was coming from donations from private developers.

Commissioner Mourdock: And I'll move acceptance of the contract with the modification I mentioned a moment ago.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: And the last item I've got is, I met with American Consulting regarding the Carpentier Creek study, and as part of the scope of work for that we need to set up an advisory committee for pointing out problems, as well as evaluating potential solutions to problems on Carpentier Creek. I've been contacted by the West Side Improvement, and they have a couple of people that they would like to have on that committee, but if any of you have anybody that could be added to that, let me know, and we'll get that set up to get the project rolling.

Commissioner Mosby: How many members do you need?

John Stoll: We didn't really set a specific number. Anybody that you've got in mind. I'm going to talk to Bill Jeffers, and I'll see if maybe anybody from Roger Lehman's office wants to be involved, and maybe Area Plan Commission, but as far as non-government employees, I didn't know if there were any specific people you might have in mind. I knew West Side Improvement would have an active role, but didn't know where else to go. So, if you've got any suggestions, I'll give them a call.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is to ask if you have any questions on my weekly highway report.

Commissioner Mosby: I don't.

President Fanello: Anybody have any questions?

Commissioner Mourdock: You get the patience award for sitting all the way through this just to say that.

President Fanello: Yes.

Dennis Hudnall: Thank you, sir.

President Fanello: Thank you, Dennis.

<b>County Attorney</b>
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President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have a couple of matters. The first is, as you will recall, a few weeks ago you approved an agreement with CSX to buy 37 acres over near Highway 41. In the preparation of that agreement, I was sent their form contract, and told I could make changes. I made some changes. I contacted the person who we've been dealing with. He said that was okay. He forwarded it on to his superiors, and they did not like my changes. My changes, I felt, were concise, and were, of course, on your best terms. What they have done is sent the same contract back, took out the conditions under which we could reject, get out of the deal, and limited those, briefly, and I will be real brief. What they have submitted, I believe, still protects your interests. The main concerns were; number one, that according to state law, at this stage of the game, we can't buy property if it appraises for less than what we're going to pay for it. I've been informed verbally that our appraisal will come in at or above the \$25,000 per acre that we're going to pay for the property. So, I have no problem with eliminating that, because that condition is resolved. There is language in the contract concerning if there are environmental problems, and they took two or three paragraphs to say what I did in one line, but, essentially, if there are environmental problems that you are not willing to accept, you may terminate the contract and get your deposit back. There is a provision on, that I inserted on good marketable title, and they took, again, a paragraph or two to talk about title defects, but, again, if you are unwilling to accept any defects in title, and we have not yet had an abstract put together, you may terminate the agreement as well. So, the bottom line is, I don't like it as well as the one that I helped prepare, but I do think it does adequately protect the county. They are not willing to negotiate this. My own personal impression is, this is a situation where we have a large company, with a large bureaucracy, they don't like their form contracts changed, and rather than go through their bureaucracy and try to get approval for changes to a contract, they are saying this is the contract, take it or leave it. After my review of their reverting back to their original form, I feel as though we are adequately protected. My concerns were addressed, and I would ask for your approval of this revised contract. The dollar amounts did not change whatsoever.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: What did David say?

President Fanello: He said motion to approve.

Commissioner Mosby: I'm sorry. Motion to approve.

President Fanello: We can't hear you.

Commissioner Mourdock: I will second the motion, and as I did the night we voted on this, I'll go ahead and go with you on this, however, I'm still waiting anxiously on the environmental report coming back. Kevin mentioned the wording, and I read that wording, and I see that we still, and I'm confident we still have the ability to opt out if we need to. With that consideration still there, I'll second the motion.

President Fanello: And I'll say so ordered, and, hopefully, we will, as far as I have heard, hopefully, we will have everything back in concrete next week. So, that's what I heard this afternoon.

Kevin Winternheimer: I believe you have two originals somewhere in your pile of documents. If you could execute those, and we will need to send them to, I believe, it's Mark Freeland with the railroad. They will execute both of them and send us a copy back. Of course we want to keep a photocopy of what we sign.

President Fanello: Do you have anything else, Kevin?

Kevin Winternheimer: I have another copy here, it can be used as an extra one.

President Fanello: Is there anything else that you had, Kevin?

Kevin Winternheimer: Oh, I'm sorry. There is one more item, very briefly, and I don't know if I've spoken to all of you about this. The City Council recently adjusted two of their council-matic districts. What they did is they moved ward one, precinct 11 into ward three, and want it renamed ward three, precinct 16. They also took old ward two, precinct six, and want to move that into the fourth ward, precinct 16. This is, for us, it's a matter of renaming those precincts. We're not adjusting boundaries, we're not moving anybody, we're just renaming them. The reason we do that is our precincts have ward names attached to them. If they merely had numbers, the council could have acted on their own, and said move ward 47, now as part of, you know, the fifth council-matic district, or whatever it was. But, since ours have ward names attached, and in moving across ward lines, we have to rename it from one ward to another. I will be bringing documents to your next meeting, but I just wanted to let you know that it will be coming, and they did approve their resolution, which was the first step. So, your action is merely to rename those, we're not changing any boundaries or anything like that. That's all I have.

President Fanello: Okay. Thank you, Kevin.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent. Did Tammy leave anything?

Patty White: Yes, she's given you her report, including the request for a meeting with the two boards for the Old Courthouse, and a late pink slip.

President Fanello: She's requesting a special meeting. I think the Foundation Board is wanting to meet, and get the Advisory Board together, and the Commissioners, just to kind of set goals and priorities. She's saying next week at 4:30. Is that possible for everybody?

Commissioner Mourdock: Okay. I'm, maybe I misread it. I thought she was looking to get those two boards together, but also with us.

Commissioner Mosby: I was going to say, I didn't think we had to be here.

Patty White: Yes, that's the intention.

President Fanello: It says two boards and the County Commissioners.

Commissioner Mourdock: Okay, I misread it. So, I'm sorry, say your proposed time again.

President Fanello: Her proposed time was next Monday at 4:30.

Commissioner Mourdock: That's fine with me.

Commissioner Mosby: Yeah.

President Fanello: It really would be a special meeting that we would have to advertise.

Commissioner Mourdock: I'll move we advertise a special meeting for 4:30 on November 18<sup>th</sup>.

President Fanello: Okay.

Madelyn Grayson: We don't advertise those anymore right, Kevin?

Kevin Winterheimer: Just, she's giving me strange looks. Yeah, the correct term, send the notice to the media.

President Fanello: Sorry.

Kevin Winterheimer: That's what he meant to say.

President Fanello: We will send a notice to the media. And I had a motion, do I have a second.

Commissioner Mosby: Second.

President Fanello: Oh, sorry. So ordered.

<b>Burdette Park</b>
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President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing that, I guess, we have on the agenda for tonight is the rates for 2004.

President Fanello: Yes.

Steve Craig: We had submitted suggested rates for the buildings only.

President Fanello: As soon as I can find my copies here. Does anyone have any comments or suggestions?

Commissioner Mourdock: In a few words, what was the logic of the advisory board when they did this?

Steve Craig: Of raising the rates to what they did? It's 4% approximately to a rounded number, which was the inflation rate, and what we were giving raises for the employees, and they figured this would be enough to cover our expenses.

President Fanello: I think that, personally, I think the Discovery Lodge's rates are too high. That's my personal feeling. I would like to see the cut offs different, but—

Commissioner Mourdock: Cut offs meaning the number of people?

President Fanello: Yes. I mean, looking at some of the other comparisons around the city, that you guys had given us, I just, I would rather see them, maybe, go down just a little bit from what they are there, for the first year. Anybody else have any comments?

Commissioner Mosby: I mean, I want to make the building user friendly. So, I said that earlier that I thought they were too high.

President Fanello: I still think they're too high. Richard, did you have any—

Commissioner Mourdock: I guess, I'm just looking to hear a number. You said the cut offs, instead of 450—

President Fanello: At least raise them to 500.

Commissioner Mourdock: So, you're saying from one to 500 ought to be what rate?

President Fanello: I'm going to say about \$600 or \$700. Then 500 plus, maybe a couple of hundred more.

Commissioner Mourdock: From the 500 to the 650, or just have—

President Fanello: Yeah, 500, I mean, however, we, if they—

Steve Craig: One to 500—

Commissioner Mourdock: I guess, just—

President Fanello: Yeah, 500 plus. 501 plus.

Commissioner Mourdock: 650 you're figuring is your maximum capacity, right?

Steve Craig: We're going to have 700 seats in there, but, right now, the configuration looks like 650 with a dance floor would be the maximum.

Commissioner Mourdock: Okay.

Steve Craig: It could be set up a different way. It may go up to 700 if we stretch it.

President Fanello: I don't want to see the rates any more than probably, in total, the highest rate being anymore than \$900, right now.

Commissioner Mosby: \$700 and \$900?

Commissioner Mourdock: Is that the weekend, or weekdays you're talking about?

President Fanello: I'm talking about weekdays. I, what's the, what's the rationale for raising them higher on the weekends, because of the work that has to, the workers, or, what's the rationale?

Steve Craig: More of a demand at that time. On weekends give them more of an incentive to maybe have functions during the week.

President Fanello: I just think the first year, and this will be the first year, I guess?

Steve Craig: Yes.

President Fanello: 2004?

Steve Craig: No, 2003. The one that you are looking at on the rates there will be, that is a suggested rate for 2004.

President Fanello: Right, but the Discovery Lodge—

Steve Craig: Is on the front page for 2003.

President Fanello: Uh-huh.

Steve Craig: And it's one to 450 is \$850 for weekdays, and 451-650 was \$1,100 for weekends, or weekdays. Then the weekends was one to 450 was \$950, and 451 to 650 was \$1,200 for the weekends and holidays.

Commissioner Mosby: Where's he reading this from?

Steve Craig: From the front page.

President Fanello: It does have a front page.

Commissioner Mourdock: I don't have it.

President Fanello: It's the one that we got last, was it last week?

Commissioner Mosby: I was going to say, I don't have that, so.

President Fanello: He's saying one to 450 people, \$850.

Steve Craig: (Inaudible. Not at mike.)

Commissioner Mosby: Okay, well, why wouldn't we make them the same as what we're talking about here?

President Fanello: Well, we're talking about 2004.

Steve Craig: Well, this is 2004.

President Fanello: They had added a 4% increase on there, I guess.

Steve Craig: (Inaudible. Not at mike.)

Commissioner Mourdock: It's still (Inaudible).

President Fanello: Yeah. I just, this is a brand new building that we want to attract people, and I'm with Commissioner Mosby, I want this to be a friendly, user friendly, attract people, and I don't want it priced so high that people aren't coming in there, and wanting to rent it.

Commissioner Mosby: I'm just saying why don't we just take the same number for 2003 and leave it like that for 2004.

President Fanello: Well, I...that's fine, if you're talking about the lower numbers. The \$700.

Commissioner Mosby: I'm talking about \$650 and \$900, or \$700 and \$900, whatever.

President Fanello: I'll tell ya, I think \$650 for one to 500 people.

Commissioner Mourdock: You're talking still for 2004.

President Fanello: 2003.

Commissioner Mosby: 2003 and 2004. I'm just saying.

Commissioner Mourdock: Have you booked anything for 2003 already?

Steve Craig: Not yet.

President Fanello: Okay.

Steve Craig: We're waiting for these numbers.

Commissioner Mourdock: 2003, I'm talking about.

Steve Craig: Yes, sir.

President Fanello: Okay. One to 500 people, \$650.

Commissioner Mourdock: Weekdays.

President Fanello: Weekdays. 501 plus, an extra \$100?

Commissioner Mosby: Don't you—

Commissioner Mourdock: If they've got that big a group, why don't you say \$900.

Commissioner Mosby: Yeah, I was going to say—

President Fanello: \$900? Okay.

Commissioner Mosby: —\$900, if it's that big of a group.

President Fanello: 501 plus, \$900.

Commissioner Mourdock: Then the weekends?

President Fanello: I say we raise it an extra \$50 to \$100 on the weekends.

Commissioner Mosby: \$750 and \$1,000? That's up to everybody else.

Commissioner Mourdock: You're saying those rates would apply for both years?

President Fanello: I think we should. The first two years it's open, I think that's a good idea to keep them constant for the first two years.

Steve Craig: That's fine.

President Fanello: See what kind of, we want to build up a clientele, and see how what our experience rate is.

Commissioner Mourdock: I won't be here next year, obviously, but when you get ready to look at these rates again, if, in fact, you've had real high occupancy rates, and that's not to say 100%, but something like 80% occupancy, I would encourage you to take a second look at 2004, because it may be time to go ahead and raise those rates.

President Fanello: It could be. I just don't want to jump the gun, and already have them raised so high that it scares people off from renting the building.

Steve Craig: Okay, because originally when they came in it was \$1,500 across the board was their recommendation, which was higher than most of the private ones.

President Fanello: Right. I mean, that's too high. So, we've got one to 500, \$650. 500 plus, \$900 for weekdays. Do we need a motion for that?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: Weekends and holidays, one to 500 people, \$750, and 501 plus, \$1,000.

Commissioner Mourdock: Second. Or, I'm sorry, so moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Just for the record both of those were for 2003 and 2004.

Commissioner Mosby: Right.

President Fanello: Okay—

Madelyn Grayson: Steve, can I get a copy of that front page from you? I don't, I can make one right now if you want.

President Fanello: Were there any questions on the additional rentals? Or the shelters for 2004? Did everyone, is everyone okay with those?

Commissioner Mosby: I'm fine.

President Fanello: Okay. Then on the campground, water and electric rates for 2004. Any questions?

Commissioner Mosby: I think they have to be looked at. Are 2003 already set?

Steve Craig: Yes, they were set last year, because as of January 2<sup>nd</sup> we will be taking rentals for 2003, or 2004. That's why we're wanting to set four.

Commissioner Mosby: So, we can't reset these rates for 2003?

Steve Craig: We can do that, but, just anybody that's made a reservation for next summer, we would just honor them at the 2003 rate.

Commissioner Mosby: Well, but I--

Steve Craig: Which there is probably not over 15, 20 reservations for (Inaudible)--

Commissioner Mosby: I was going to say that or contact them.

Commissioner Mosby: I mean, how do you arrive at coming up with these rates? I mean, what process do you go through to come up with the rates?

Steve Craig: I think then when these were set before any percentages were added to them, we had went around and got several campgrounds in the tri-state area, and what they were charging in state, and you know cheaper than some of them, and then the private one's a little bit more than what we did. But, just recently the state is, I think, for a full hook-up, theirs just went to \$30 a day.

Commissioner Mosby: Exactly. I'm just saying, and I'm not, after we do the improvement to the campground, not before, but after we would do the improvements and put the 50 amp hook-ups in, these rates are way too cheap. I would probably suggest we go to \$16 a day after improvements.

Steve Craig: Is that for the water and electric? Or is that for a full hook-up, Dave?

Commissioner Mosby: I'd go probably on water and electric, say, \$15. On full hook-up, maybe \$18.

Commissioner Mourdock: Before you do that, I would just suggest, as a way of figuring it, whatever the improvements will be that you are going to do, you will know what the cost is, and I would look at that, and carry that out over about five years, and just amortize it right back on a per lot, or per spot basis. Rather than picking a number. That way you are going to tie your increase directly to what your cost increase really is. Just gives a little method to the madness.

Commissioner Mosby: I mean, I don't want to price it too high, but I think it's too cheap now, and I think all your state parks now went to \$28, \$30. There's no doubt we're ridiculously low. You know, it's not only tied to the improvements we're going to make, there's a lot more improvements to be made. That's the problem. We

need to make more improvements. We need to add some pads out there. That initiative ain't being taken right now.

Steve Craig: We were going to, at our next advisory board meeting, the rates for the Aquatic Center and that, they did not approach them the last time, and we were going to go over them in our next meeting for 2004. At that time we can also go over the, which we have not done yet, go over the campground rates also.

President Fanello: Why aren't the...I'm sorry. I was just going to say, why don't you, at that time, like Commissioner Mourdock said, let's look at our estimates for upgrading the campground.

Steve Craig: I've got some numbers that we're going to be able to spend, and I'll take it by the 28 times, or 28 pads, by the five years, and that will give us something to base on what the raises should be.

President Fanello: Please look at it and see what it comes out to.

Steve Craig: Like Dave said, if we add new pads, it's something we have to look at in the future.

Commissioner Mourdock: And if after you do that, and divide it by 28, if the number, in David's words, is ridiculously low, then I'm not adverse to going something higher, but at least that gives us some way to justify what these costs are.

President Fanello: Okay.

Commissioner Mosby: Are we doing this? I just got a question on the Day Camp Programs. How do we arrive at the prices? 2004 is cheaper than 2003.

Joyce Moers: Joyce Moers. We looked at basically rounding these numbers to even numbers, because sometime you have a one week factor with parents, and to divide some of these numbers, it's kind of difficult to divide them down. So, they evened them out to even numbers. Instead of having rate increases, they felt like with the new building, we'll be able to probably take more kids than what we have been. So, we don't really want to raise the rate for the future for right now, until we see how many kids we can accommodate. I think the rates are really sufficient. I don't really think that we should increase those.

Commissioner Mourdock: You had to shut the program off last year, as far as number of kids coming in, right?

Joyce Moers: We have had in all the years past, but last year we were really at the numbers we really should be. Last year we were where we should be to accommodate those kids.

Commissioner Mourdock: So, you're saying you didn't turn anyone away?

Joyce Moers: No.

Commissioner Mosby: I was going to say, I didn't think we did.

Commissioner Mourdock: Yeah, if that's the case, why do you think this coming year, with the Discovery Lodge, you'll have that many more kids coming in to cover the costs?

Joyce Moers: Well, I mean, we were at good numbers last year. We were really where we should be. I don't know that we should justify an increase. I mean, if you want to go down on price, that's up to you, but I wouldn't suggest an increase.

Commissioner Mourdock: I don't think David was suggesting we go down. I think he was sort of suggesting going up, but what I heard you say, I thought, was because we're going to take more kids in this year, we could keep the price the same, because, obviously, we're covering our costs with more kids coming in.

Joyce Moers: Right.

Commissioner Mourdock: But, you don't know that that's going to be the case, because (Inaudible).

Joyce Moers: We don't know what's going to happen. We do know that, you know, there are a lot of other places that are expanding. There's only so many kids to go around. You want to keep your program quality, and I think this next year is, we don't really know what to expect. We don't know if our numbers are going to increase, or, I mean, they could actually decrease, because you've got a lot of programs that are, that are new and expanding. We don't really know what's going to happen next year.

Commissioner Mosby: I don't know, I've got a problem here. You just said we're at the numbers this year we ought to be at, but then you're saying you don't want to increase it because of this extra bunch of kids we might get next year.

Joyce Moers: I just meant cost wise. I meant cost wise. I don't mean numbers. I think we could take more numbers next year, of kids, but, I mean, if you feel like you want to increase, that's totally up to you. But, if you have—

Commissioner Mosby: Well, when you say cost wise, are you saying we're making enough money, or I don't understand what you're saying.

Joyce Moers: We are definitely covering our costs of the program right now.

Commissioner Mosby: Okay, I mean, I haven't seen them numbers yet this year. I haven't seen where the Day Camp ended up. So, I have a hard setting any of these rates until I see where we ended up.

Commissioner Mourdock: Do you know, off the top of your head, Joyce, where did we end up last year with Day Camp. You say we adequately covered our costs. Do you know what the surplus was?

Joyce Moers: I'm sure that we did. I have not done total numbers yet. I do that year end, you know, after everything is done. After the first of the year, and I have not done numbers yet. We could always table it, if you like.

President Fanello: Does everybody want to maybe see...you could probably put together numbers right now, couldn't you?

Commissioner Mosby: Yeah, I mean, I would like to see the numbers before we do this.

President Fanello: Why don't you go ahead and put us a report together just on the daycare, or Day Camp, and see where we're at.

Commissioner Mourdock: Do you want to approve the rest of it, minus the Day Camp?

President Fanello: I don't think there was, did we not already approve the shelter? We already did those, and we did the Discovery Lodge, and there's nothing else.

Commissioner Mourdock: Okay.

President Fanello: He's going to on the electric, or water and electric they are going to look at those costs, and look at the Day Camp costs.

Steve Craig: One other thing that was brought up by the advisory board was about having the winter discount rate on the chalets. That through November through February, Monday through Thursdays, if you rented one day, you would get one day free, as an incentive to rent these at our slow time. If somebody stays in it two days, it's no more expensive to us than if they stay in it one, because we just clean it when they leave. So, the board had brought this up, and passed it, and I was just wanting to know what you guys thought about that.

President Fanello: Anybody have any comments on the promotional?

Commissioner Mosby: A day for a day, you said? Rent one day, get one day free?

Steve Craig: If you rent Monday, you'd get Tuesday free. If you rent Tuesday, you get Wednesday free.

Commissioner Mosby: Okay.

Steve Craig: Because holidays, and weekend would not be included in this.

Commissioner Mourdock: What exact schedule would apply?

Steve Craig: Monday through Thursday.

Commissioner Mourdock: Starting?

Steve Craig: Starting, oh, it would be this January and go through February, but next year it would be November, December, January and February.

Commissioner Mourdock: Okay.

Steve Craig: We've already got several rentals between now and Christmas of people during the week, so it would be some people getting a free day, and some people not, I think it would be better not to pose that problem.

President Fanello: Do I have a motion on that?

Commissioner Mourdock: I'll move approval of the January, February discount for chalet rentals. Stay a day, get a day.

Commissioner Mosby: January and February?

Commissioner Mourdock: 2003.

Commissioner Mosby: Second.

President Fanello: So ordered.

Steve Craig: And I had my worksheets. Other than that, that's all I had this evening.

President Fanello: Are there any other questions for Steve? Seeing none. Thank you, Steve.

Steve Craig: Your welcome. Thank you.

### SWCD & Ozone Officer Reports

Commissioner Mourdock: The file contains the Soil and Water Report for Norma and Mike, and we also have the Ozone Officers Report. I move those be entered into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

### Consent Items

President Fanello: I have only one additional Consent Item, which was sent in a packet to me today from Central Dispatch. What this is, if anybody is familiar with the Indiana wireless 911 guidelines, there was a phase one, phase two. Central Dispatch is entering the phase two, and they can recover up to \$50,000 of their expenditures from the state, so that, they're asking us to sign these copies so that they can forward this information on to the appropriate people, and get \$50,000 back.

Commissioner Mourdock: Has Kevin had a chance to review it?

President Fanello: No, because I just got them in my packet, or not my packet, but in a mail today. Do you want to look at these?

Kevin Winternheimer: I was going to say, you can go ahead and approve them subject to my review, and if I find something in there, we'll pull it and not mail it out.

President Fanello: Because there is a deadline, so she was needing to get them back this week.

Commissioner Mourdock: I'll move then that we add those to the Consent File, subject to Mr. Winternheimer's review.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And, oh, that was it. Okay. Then I would move the approval of the Consent Items as submitted in the signature file.

Commissioner Mosby: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: So moved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

The meeting was adjourned at 8:15 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Perry Assessor	County Assessor	Knight Assessor
Center Assessor	Health Department	

**Employment Changes:**

Knight Assessor	Auditor	County Highway
County Clerk	Center Assessor	Burdette Park
Sheriff Department		

**Request for Service:** Commissioners

**Sheriff:** Weekly Jail and Community Corrections Report.

**Auditor:**

Submission of STD Prevention Grant Proposal for Health Department.  
Submission of HIV Prevention Services Funding Proposal: Health Dept.  
Submit Financial, Cash and Expenditure Report.

**County Clerk:** Submit Monthly Report.

**DADS:** Submission of Grant Program Application.

**Weights & Measures:** Addendum to Lease.

**Health Department:**

VIP Cleaning Services for Fulton WIC Clinic.

**Treasurer:**

Contract with Bowers Harrison: Collection of Delinquent Property Taxes.

**Computer Services:** Agreement with Hewlett-Packard.

**Commissioners:**

Indiana Wireless 911 Agreement: Phase Two.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Bill Fluty	Patty White
Madelyn Grayson	Phil Lawrence	Steve Craig
Alan Teeple	Phil Hoy	Dennis Woehler
Norman "Red" Mosby	Sandie Deig	Betty Knight-Smith
Cheryl Lawrence	Billie Watson	Kip Husk
John Stoll	Bill Jeffers	Dennis Hudnall
Joyce Moers	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
NOVEMBER 18, 2002**

The Vanderburgh County Commissioners met in session this 18<sup>th</sup> day of November, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting November 18<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: To my right, introductions are as follows, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; newly elected Commissioner, currently County Auditor, Suzanne Crouch; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of November 11, 2002 Commission Minutes**

President Fanello: Do I have approval of the November 11<sup>th</sup> minutes?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Open Bids for APA002-2003: Crushed Stone  
& APA003-2003: Sand & Gravel**

President Fanello: Next item, Phil Lawrence permission to award cell phone bid.

Phil Lawrence: I have, just before I do that, a couple things. At the Board of Public Works meeting this morning, APA002 and 003, crushed stone and sand and gravel were opened. They were taken under advisement. There is only one bidder, Mulzer, as is always the case. So, if you guys could take those under advisement, I would appreciate it.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Award of Cell Phone Bid**

Phil Lawrence: Second is permission to award cell phones to Cingular Wireless. In essence, what we did was we went out for bid in May for the city side, and now we would like to piggyback that contract with the county.

President Fanello: I saw an e-mail today from Deputy Chief Williams, and I know I talked to you about our cell phones, and I was happy at the thought of saving money, but I think there may have been a couple of concerns on the Sheriff's side. I don't know if we need to defer this for one week until he gets those questions answered. Sheriff, did you want to add anything?

Brad Ellsworth: Good evening, Sheriff Ellsworth. Yeah, the only question we have, of course, our provider for most of our cell phones is Cingular, but there are instances, and we've had good conversation with Phil about this, is that sometimes, some of these providers who don't provide services that we find necessary. One, for instance, is our trip van that travels across the state to other prisons and jails doesn't have very good, doesn't get adequate reception from that particular carrier. So, we switched those two or three to another company. We also find in some of our investigations, and among the staff that we went with Nextel with a handful of phones, because between our investigators, it's cheaper to use...I call it the walkie talkie feature, than it is to actually making a cellular phone call. That's a benefit that Cingular...and so, we would ask that there be some kind of deviation in special circumstances for when the office holder, we think it's necessary to use another one for coverage or safety, that we be able to do something like that. I don't know, I know, like I said, Cingular carries most of our in-line phones.

Commissioner Mourdock: The bid that we're considering, or the contract that we would be piggybacking on is not an exclusive contract that binds us to only their services, is it, Phil?

Phil Lawrence: No. I mean, the contract we have is exclusive. I don't see any reason why they couldn't get four or five phones outside of that contract for specific, non-specific reasons.

Commissioner Mourdock: Exclusive, but not exclusive in the sense that we are committed to them as our sole carrier.

Phil Lawrence: Right. No. No.

President Fanello: So, if that's the case, excuse me, if that's the case do you think, I mean, are you okay with going ahead with?

Brad Ellsworth: That's fine. As long as we have a little bit of that, I guess, wiggle room to—

President Fanello: As long as you get to do—

Brad Ellsworth: —for those needs that we have that Cingular doesn't meet.

President Fanello: Kevin, does that meet with your approval?

Kevin Winterheimer: Yeah, I just want to see the contract to make sure that it doesn't say that we're, they're an exclusive vendor. As long as it's a here's our price, if you utilize our service type contract, I have no problem. That way if he chooses not to for certain individuals, then he can go somewhere else.

President Fanello: Would it be possible for us to just ,maybe, defer for one week until–

Phil Lawrence: Sure.

President Fanello: –Kevin has a chance to look at everything to make sure it's to his satisfaction? Do I have a motion to defer for one week?

Commissioner Mosby: I'll make a motion to defer for one week.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: Do you have some prices that we can look at? Something–

Phil Lawrence: Yeah, I had given them to Catherine. I'll certainly give copies to both of you two.

Commissioner Mosby: Okay.

<p><b>Award VC036-2002: Transportation Services for Vanderburgh County Office of Family and Children</b></p>
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Phil Lawrence: The last thing is permission to award VC036-2002, Transportation Services for Vanderburgh County Office of Family and Children. Unfortunately, we only had one bid. We really tried to get several other companies interested, but to no avail. River City Yellow Cab was the only bid, and responsive bidder. We did put some things in the contract to keep their feet to the fire. They were having some serious problems with getting their TANF customers to their office on time. If they are not on time, they have got to wait a whole, another month, and some of them were getting cut off, getting their assistance cut off, because the cab service wasn't getting there. So, we put some teeth into it, so we can actually say if you don't get there, then you can be penalized. So, hopefully, we'll be able to monitor it a little better than that.

Commissioner Mourdock: You're suggesting that we go ahead and award as negotiated?

Phil Lawrence: Yes.

Commissioner Mourdock: So moved.

Commissioner Mosby: Have you seen it?

Kevin Winternheimer: I haven't seen that contract.

Commissioner Mourdock: Oh.

Phil Lawrence: Oh. I'm sorry.

Kevin Winternheimer: Is it something that we could actually sign next week?

Phil Lawrence: Sure.

Kevin Winternheimer: The board could.

President Fanello: Okay.

Kevin Winternheimer: So, I could have a chance to read it.

Commissioner Mourdock: I'll withdraw the motion then, and move that we defer for one week.

Commissioner Mosby: I'll second the motion to defer. Is this, do you have a contract from these people? This is not the contract, is it?

Phil Lawrence: No. This is the, this is just the tabulation.

Commissioner Mosby: Okay.

Kevin Winternheimer: Just, send me a copy of the contract as soon as you can—

Phil Lawrence: Sure.

Kevin Winternheimer: —and I can review it.

President Fanello: Anything else?

Phil Lawrence: That's it.

President Fanello: Thank you, Phil.

Phil Lawrence: Alright. Thank you.

**Nexus Contract: Reassessment**

President Fanello: Next item we have is County Assessor, Nexus contract. Is there anyone here from the Assessor's office?

Becky Kasha: Good evening, I'm Becky Kasha.

President Fanello: Hi, Becky. I believe Kevin has reviewed the contract.

Kevin Winternheimer: Yeah, I reviewed it for legality. I have no problem with it.

President Fanello: Okay.

Commissioner Mourdock: Okay.

President Fanello: I only had two questions, but I thought maybe the Assessor was going to be here.

Becky Kasha: Well, I can—

President Fanello: Can you—

Becky Kasha: –take my, try my hand at answering. If not, I'll carry it back to her–

President Fanello: I only had two small questions. The effective date of the contract–

Becky Kasha: Uh-huh.

President Fanello: –or it says approval date November, I guess, which would be today, November 18<sup>th</sup>, with an effective date of October 2<sup>nd</sup>–

Becky Kasha: Right.

President Fanello: –what is the meaning behind that?

Becky Kasha: My understanding of that was that, was two fold, neither party of the contract thought it was appropriate to enter into the contract prior to the election. To bind, potentially bind Ms. Musgrave's successor. They thought it would be appropriate for, if someone else was elected that they would have the opportunity to negotiate that contract in the manner that they wished. Because of the fairly tight time schedule, they thought it was necessary to at least get it under way.

President Fanello: So, they've actually already started work then?

Becky Kasha: I think some very minor exchange of information has under, has occurred.

President Fanello: Okay. Do you know if she was able to obtain quotes from any other vendors, or if she put it out for RFP, or anything like that?

Becky Kasha: My understanding on that is they did talk to other company, another company, but they were not able to...because this is two components, there is an analysis, and then to be able to provide the information necessary to correct any deficiencies that might be discovered during the analysis. One company could do the analysis, but couldn't provide the corrective information. The price that they wanted for just that one component was not very much less than the other company wanted for the two components that Nexus wanted. So, and I don't think other than those two companies, that there is anybody else out there doing this, but Cherie could confirm that.

President Fanello: Is there any other questions that anybody has?

Commissioner Mourdock: This being part of the all critical equalization process–

Becky Kasha: Correct.

Commissioner Mourdock: –I know everybody's concerned about getting this thing done in a timely basis–

Becky Kasha: Right.

Commissioner Mourdock: –so, I would move approval of the contract.

Commissioner Mosby: I'm not going to second it. I mean, I have a problem with anybody that goes ahead and starts a contract without this body's okay. I mean, this

contract has to be okayed by the Commissioners. It looks to me like we've already started work. I've seen no comparison on any type of bids. If we're going to spend \$100,000 plus, then I think there should be some kind of bids. If people didn't want to bid, then I'll accept that in writing. As far as I'm concerned, I will not retroactively pay anybody to October 2<sup>nd</sup>. I would not sign the contract.

President Fanello: This is a tough one, because it bothers me a little bit too, but I know how critical reassessment is. I feel like I'm being put in a place which I normally wouldn't like to be in, but I do want to see those tax bills go out on time. I don't know what kind of message it sends when we do something with an effective date that's earlier than the contract. I would suggest that we approve the contract, but it be effective for today, and we only pay for work that begins from today on. That's my feeling on the issue.

Becky Kasha: Well, I can't....I don't know what the effect of that would be. I think that this is a, it's a one price for the entire amount of work that's performed. As far as I'm aware, as I said, it's very minor exchanges of information have occurred to date. I mean, we could have set an effective date of today, but we wanted to be truthful and up front about how the process has occurred, due to the election, and the time constraints imposed by the reassessment statutes.

President Fanello: I think Tammy knows, and Patty knows, I've bugged them for about four or five weeks about getting this contract up here, and it just didn't happen, but—

Commissioner Mosby: I guess, I don't understand what you mean by the election. I mean, if you had got a contract, and it was competitively bid, and the three of us looked at it, what problem there would be.

Becky Kasha: I don't think it was a matter of not having it competitively bid, I don't know that there's a, certainly, I'm not aware that there's a requirement for that, but I do believe it was not, it was felt that it was not necessarily appropriate to bind the potential successor to the office to this vendor.

Commissioner Mourdock: Certainly, there were, I won't say spokes people, because they weren't formally spokes people for the other companies, but there were proponents for other companies in this room prior to the election trying to say, well, let's go with other companies, they provide this service. I suppose this one's about as broad as it is long. On the one hand, the Assessor, I think, did absolutely the right thing by saying she wasn't going to commit any future assessor to her choice of software. I know there has been discussions on this board before about not micro managing the work of the different elected officials. On the other hand, if she had done nothing, the ultimate successor might have been that much further behind in getting somebody on board to make this thing work. I understand your point, Catherine, I think we are in a bit of a box. Certainly, the equalization is a big issue that's here, and, again, I don't think we need to be micro managing. I would amend my motion slightly, which is, as you were suggesting, to say that work prior to today, that we would approve this contingent upon Nexus accepting that language. You're saying, Becky, and I know you can't commit for them—

Becky Kasha: Right.

Commissioner Mourdock: —I'm not asking you to.

Becky Kasha: I'm just saying my understanding is they have agreed to do all of the work for "x" price. Whether it occurred before today, or after today. I appreciate your concerns. I just think these are unusual, extenuating circumstances.

President Fanello: I mean, I'm going, and if you'll amend your motion that way, I will second it.

Commissioner Mourdock: It's hard to amend exactly to the language that they'll accept, because I don't know that they'll accept it, but I would move that we accept this contract contingent upon the acceptance by the contractor, Nexus, that the start up date is effectively today, as opposed to October 2<sup>nd</sup> that they had listed.

President Fanello: Yes. And I'll second that, but only based on the conversation that I had with our County Treasurer, who is very, very concerned about the financial stability of this county if those tax bills don't, do not go out on time. It's for her that I will approve this, and second that motion.

Commissioner Mourdock: Okay. Becky, maybe you can get with both the Assessor and the contractor, and then report back to Kevin so we would know next week if there's a problem.

Becky Kasha: I can. I apologize for Cherie, she had to go to Indianapolis today, and I certainly will get the two of them together. I don't foresee that this would be any kind of problem, because, like I said, only very minor exchanges of information have occurred thus far. But, of course, you know, I appreciate the contingency aspect of this, and I will let Kevin know if that presents a problem that can't be rectified some other way.

President Fanello: Okay. Thank you, Becky.

Becky Kasha: I'm sorry. Was there a vote? Did I miss something?

President Fanello: Yes, I seconded it. So ordered.

Becky Kasha: Thank you. I didn't want to walk away before you did.

Commissioner Mosby: I want a roll call.

President Fanello: Okay.

Commissioner Mosby: I request a roll call.

President Fanello: Okay. We'll take a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: No.

President Fanello: And I'll vote yes, only so the tax bills can go out on time.

Commissioner Mosby: So what?

President Fanello: I said so the tax bills can go out on time, because I'm afraid that they won't go out on time. Not that I'm really in favor of the whole process of how this worked. It seems kind of strange to me, you know, we talk about not micro managing other departments, but I can have comments on our vote on the health insurance, and I feel like we're being micro managed at the point where we're trying to save this county almost a million dollars over the next three years. I find that quite ironic.

**Earthquake Preparedness Week Proclamation**

President Fanello: Next item is earthquake preparedness proclamation. I do have that, is there, did you want to read the proclamation, Sherman.

Sherman Greer: No, I'll have you read the proclamation please.

President Fanello:

"Whereas, Vanderburgh County is located near the Wabash and New Madrid Faults and experienced a seismic event on June 18, 2002; and whereas, disasters are a fact of life and will continue to be a threat in the future; and whereas, Vanderburgh County is vulnerable to many types of natural and man made hazards; and whereas, a long-term commitment to mitigation and preparedness efforts by public and private members of the local community will minimize loss of life and property, while improving response and recovery efforts; and whereas, land use, new construction, retrofitting of existing construction, community education, and information management are key components of any mitigation and preparedness strategy; and whereas, the efforts to reduce loss of life and limit the interruption of the public service, resume business operations, manage response and recovery in a timely manner continues to be top priority in the hearts and minds of emergency service personnel. Now, therefore, I, Catherine Fanello, President of the County Commission, Vanderburgh County, Indiana, do hereby proclaim the week of November 18-22, 2002 as "Earthquake Preparedness Week".

Sherman Greer: I would like to, I'm Sherman Greer, Emergency Management Director for Evansville and Vanderburgh County. I would like to bring you up to date on what we have planned for this week. Already this morning we had a program out at New Harmony, at the New Harmony School out there, grade school out there, to where a seismograph has been put in, in conjunction with Indiana University. So, that, there again, we can get a good reading on any type of seismic activity that may happen within this area. Also, for your leisure this evening, after you go home, from 8:00 p.m. till 9:00, WNIN, Cable Channel 12 is going to be running the earthquake risk and readiness, "It's Everybody's Fault". It's a documentary that was done here in the Evansville area that is being shown all over the central part of the United States. So, that's something that you might, if you haven't, if you've never seen it before you can tune in this evening. Tuesday, the 19<sup>th</sup>, Be Ready Program is being put on by the American Red Cross out at Highland School. 175 first graders will be assembled. So, I'm going to go out and help them with that.

Commissioner Mourdock: 175 what?

Sherman Greer: 175 first graders—

President Fanello: First graders.

Commissioner Mourdock: Oh, first graders.

Sherman Greer: —will be assembled, and the American Red Cross is handling that to teach them more about earthquake preparedness and safety. On Wednesday, between 10:00 and 11:00 a.m., Dr. James Durbin, geologist from the University of Southern Indiana is going to be on the Mike Blake Show on the Ask the Expert segment, if anyone wants to call in and ask any questions about earthquakes, he would be able to answer those. Thursday at the Armory, the National Guard Armory, the Tri-State Construction Expo is going on. We'll have representatives from the Building Commission and the Southwest Indiana Disaster Resistance Community Corporation there to discuss any earthquake preparedness for structures and non-structural mitigation for contractors and for homeowners. Then Friday we will wrap everything up by making an announcement to, well, for Harrison High School, we've worked with Dr., well, with Mike Kelly out there, which is a science teacher, and we have purchased a seismograph, a 3-D seismograph through the Emergency Management Agency to go in out to Harrison High School. That was going to serve two purposes, number one, it will be connected to the Indiana Geological Survey in, at IU in Bloomington, and it will also act as a teaching tool for the young people out there about the seismographs and earthquakes within this area. I think, right now, the way it is set up is that they are going to take their existing one that they have, and donate that to another school, I think, in Owensboro, so that we can help our neighbors out, and getting as much information, because when we do have seismic activity within this area, we need as much information as quick as possible. So, there again, that's what our plans are for this week. Also I have with me Christine Martin, and Christine is with the Disaster Resistance Community Corporation, and she's got a couple of things that she would like to pass out to you.

Christine Martin: Thank you, Sherman. I want to share with you a couple of documents that we have put together with specific information dealing with earthquakes, and the tri-state region. First is a map which shows, each dot is an earthquake that has been felt, in other words it's of size that can be quantified. There's a little bit of history, going back to the 1800's, and then the most recent for earthquakes that have occurred right nearby here. That way when people ask you questions in regard to earthquakes, you can let them know, yes, they do happen here. Yes, we do have two fault lines that do affect us, and it's not a matter of if, but when. The second brochure is for the Community Emergency Response Team. As you can see, on the back there are four teams. We have just finished training the fifth team. We are working through the neighborhood associations, and through funds that we have received from a Toyota grant, of \$5,000, and most recently \$1,000 grant from the Gibson County Community Foundation we are purchasing the equipment for the CERT team members. It's approximately \$85 to \$87 per bag for all of the equipment that we are giving to each member. As you can see, the different teams are of different sizes. The smallest neighborhood was 60 homes, and that was at Mt. Auburn, but they have the uniqueness of having the zoo as their next door neighbor. So, they definitely also have a lot of houses sitting down off of a hillside, off their main road, which is a challenge, along with the large trees. The largest neighborhood is the Oakhill Neighborhood Association, and they have over 3,000 homes. They're looking to subdivide their neighborhood, because they realize it's not feasible for them to serve that large an area going from Morgan Avenue all the way to Highway 57, along that corridor. I would just like to say thank you for

supporting the DRC in 2002, and thank you, in advance, for supporting DRC in 2003. We sincerely appreciate it, and the community, I know, will benefit from the work that we're doing. Thank you.

President Fanello: Thank you, Christine. Does anybody have any questions?

Commissioner Mourdock: No. I note with interest the earthquake here with the epicenter in Darmstadt, it was the first time in history anything was ever centered in Darmstadt. With the motion having been read into the record, I would move approval of the resolution.

Commissioner Mosby: Second.

President Fanello: So ordered.

<p style="text-align: center;"><b>Dave Rector: Building Authority Space Allocation CAD Update</b></p>
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President Fanello: Dave Rector.

Dave Rector: Things are moving along well with the updating of the building drawings. I have for each of you tonight a set of architectural as-builts of the complete complex. We're working on the electrical and HVAC as-builts. Hope to have those done by the end of the month, first of December. With that then we will start, after the first of the year with the space planning efforts. We, of course, have the county's survey results in. The city is working on theirs. They tell me they expect to have those in the first part of December, then we will all have to be sitting down as we do overlays, and space planning efforts about where everyone will move. I'm sure you all have started to get lobbied about space, as I have.

President Fanello: Everyday.

Dave Rector: It's going to be a lot of tough decisions for everybody who moves too. But, I do have a set for each of you tonight. If you have any questions after looking at them, let me know, and we'll keep moving forward.

President Fanello: Okay. So, we could possibly sit down with you some time in December then, and—

Dave Rector: Start conceptually—

President Fanello: —start, okay.

Dave Rector: —planning as to who, where, and how. Of course, after we come up with a plan on how, we're going to have to put some costs and budgetary figures to it about how that happens.

President Fanello: Okay.

Commissioner Mourdock: Have you done anymore analysis on the survey that we sent out? I know Patty summarized pages and pages of that. Has there been any more analysis of that?

Dave Rector: No further analysis. Waiting on, this is what we're waiting on--

Commissioner Mourdock: Okay.

Dave Rector: --to complete. Now we'll take that information on the additional space requirements, and the type of those requirements, and how that will fit in with the space being vacated, and who best fits into those areas, based on the square footage.

Commissioner Mourdock: Alright. Do we need to schedule a time to get together for December? Or do you want to do that?

President Fanello: We can do that, or we can wait to hear from him, and make sure everything is on schedule, and then schedule a date.

Dave Rector: I would say that you're looking in later December by the time we get--

President Fanello: Okay.

Dave Rector: -- the electrical and mechanical done--

President Fanello: Well, why don't we take a--

Dave Rector: -- and by the time we get the city's back in.

President Fanello: Okay. Why don't we take a look in our first meeting in December, and maybe make a decision about when we can get together.

Dave Rector: I would be happy to update you at that time.

President Fanello: Alright.

Dave Rector: On another additional item, real quickly. Based on your request to the Council, and they generously volunteered the Building Authority to fund it. I have had a sound consultant in to look at replacing the sound system in here. Expect that pricing in later this week. According to what it is, and how our budget is, we'll try to move forward, and get this sound system, if not replaced, improved.

President Fanello: Okay. Thank you, Dave. Any other questions?

Dave Rector: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Thanks.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board at this time? I don't see any. Oh, I'll wait.

Donald Burton: My name is Donald Burton. I represent the homeowners in Mill Terrace Subdivision. We came before the County Commissioners on approximately

June the 1<sup>st</sup> of 2001 petitioning for the Barrett Law for repairs on our street. We went through the full process of talking with John Stoll, and the County Attorney, at that particular time, in getting the engineering papers drawn up. So, it's been a long process for us, but we're still waiting. We've not heard anything from the County Commissioners, and, so, I guess, I'm really here to repetition getting our streets fixed.

President Fanello: I haven't heard, I haven't received any other information. Didn't even know how far along you were.

Commissioner Mourdock: Maybe John can fill us in a little bit, since he has to start that process from our end.

John Stoll: I was going to say, since they initially came in, Kevin replaced Phil Hayes as County Attorney. One of the things that I discussed with Kevin was making sure that Kevin's opinion on how to proceed with the Barrett Law coincided with what Phil thought, and Joe Harrison, and, I guess, it was Keith Rounder before that. That's something that I need to verify with Kevin, but the way I understand it the next step in the process would be the preliminary resolution where everybody in the subdivision would have to be notified, and then we have to have the maximum cost included in the resolution, so that way they can proceed to bidding, as long as the, there wasn't more than, was it 60, 40% of the people opposed to the project. So, that's my current understanding. I guess, I need to verify that with Kevin to make sure that's where we are. There are a couple of changes that still need to be made on the plans. I shouldn't say changes, I had some drainage questions for the consultant who drew up the plans for their projects, and he hasn't answered those, as of yet. For the most part the plans are pretty well finished, and they do have specifications for the contract as well.

Commissioner Mourdock: Plans to the point of bidding?

John Stoll: It's close.

Kevin Winterheimer: I was just wondering, have we, have you gotten a rough idea of what this is going to cost? Just rough?

Donald Burton: Well, actually, the estimate that John gave me, well, that was actually two years ago, was right at \$201,000.

Kevin Winterheimer: Okay.

Donald Burton: We were given the okay by the Commissioners and John that we hire an engineer—

Kevin Winterheimer: Right.

Donald Burton: —to draw up plans, which we did. So, he gave us an estimate, I think, it was around \$220,000, is what he estimated it at.

Kevin Winterheimer: So, this is a pretty sizeable project compared to the one we were talking about, I guess, it was last week.

Commissioner Mourdock: Well, yeah.

President Fanello: Uh-huh.

Kevin Winternheimer: Yeah, I'm not, I'm not going to give my whole speech I gave last time, but just so you homeowners understand, that this is the most expensive way to build a street is what you're entering into. Because of many factors, but the least of which is because you're financing this with a bond—

Donald Burton: Correct.

Kevin Winternheimer: —there are going to be bond counsel fees, and other fees related to this, as well as engineering fees, all that are going to be billed on the project. So, I don't know what figure to give you, but please remember that the \$200,000 or whatever fee, that was just construction. There's going to be a lot of fees on top of that. Now, you will be dividing that among your neighbors, I think you said approximately 30, but do keep in mind that this is, without a doubt, the most expensive way to build a street.

Donald Burton: Right. This was actually brought before the neighbors, and we had a 77% to go with it.

Kevin Winternheimer: Okay. If the Commissioners want to proceed, I can put together a process, and get that started. I know that, and I can check, but off the top of my head I don't know exactly, but at some point we'll have to have a hearing in a meeting, and with the neighbors, and give them some preliminary assessments, an idea of what it's going to cost. That may be amended later, but we'll have to put that together. We can start that process.

Commissioner Mourdock: Okay.

Kevin Winternheimer: I don't know how many weeks, but you've been working years, so weeks, I don't think will be a big deal.

Donald Burton: Yeah, we're going on five years now, but it's caving in bad.

Kevin Winternheimer: Yeah.

Commissioner Mourdock: How about this, I would move then that we direct the County Attorney to work with Mr. Stoll and Mr. Burton to get that preliminary approval before us on December 9<sup>th</sup>? Three weeks?

Kevin Winternheimer: Well, I don't want to commit to a date yet, until I see how much notice has to be given. I don't have that on top of my head. I'll report back to you next week.

Commissioner Mourdock: Okay.

Kevin Winternheimer: Do you see what I'm saying? I'll present a plan, in other words to you, on where we're going to go with this. I can do that by next week, but I don't want to, I don't want to set a hearing date at this point.

Commissioner Mourdock: Okay. Did you find the information, now that I think of it, that we discussed briefly last week about the little booklets that they put together?

Kevin Winternheimer: I think I've got what you were referring to, yeah, but I just don't have it off the top of my head.

John Stoll: I thought I gave you a copy of that.

Kevin Winternheimer: Yeah, I believe I do.

John Stoll: If not, I can get you one.

Kevin Winternheimer: Yeah, but I can do a short summary for you, and give you some time tables on that. We'll just take it step by step, I think that's about as far as we can go. Because, as I mentioned last week, even if one of your neighbors wants to throw a monkey wrench into this deal, they can. So, that's why I don't want to commit to, we're going to have this done within three months, because if they start appealing these various decisions that the board makes along the way, that's going to slow the process down. But, you have to start somewhere, and if you want to start, we'll get that ball moving.

Commissioner Mourdock: Just to give you plenty of time, how about, Kevin, then if you would report back in two weeks. That would be Monday, December 2<sup>nd</sup>.

Kevin Winternheimer: That would be fine.

Donald Burton: Need us back here?

Commissioner Mourdock: If I were you, I would probably want to be here, and hear what was said.

Donald Burton: Okay.

Commissioner Mourdock: Even if you don't have any direct input.

Donald Burton: Okay. Alright. Thank you.

Commissioner Mosby: Second, if that's a motion.

Commissioner Mourdock: That was a motion.

President Fanello: So ordered. Anyone else in the audience wishing to address the board? Seeing none.

<b>Old Business</b>
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President Fanello: Old Business. Anyone have any Old Business? The only thing I have was just to make sure everybody got copies of the stuff that was sent to the Council on the health insurance. It's my understanding that they have set a meeting for Wednesday. At what time, I don't know.

Suzanne Crouch: I think it's 8:00.

President Fanello: 8:00 in the morning.

Commissioner Mourdock: Okay. I do have one issue of Old Business, just a question. Did we ever hear back from the Count Us In folks? Or did we ever, did we ever hear back from the Count Us In people who were concerned about the polling places.

Tammy McKinney: I got an e-mail from Gary May today, and they're coming December the 2<sup>nd</sup>.

Commissioner Mourdock: Oh, okay. Have we received anything in writing from any of the polling places? Their group or otherwise?

Tammy McKinney: I haven't.

President Fanello: I thought we'd received a couple of phone calls and—

Commissioner Mourdock: Okay.

Patty White: (Inaudible. Not at mike.)

President Fanello: Okay, probably print those out for the Commissioners, I think, next time.

<b>New Business</b>
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President Fanello: Any New Business?

Commissioner Mosby: I have one item of New Business I want to bring up, maybe two. I wanted to get the feeling of this Commission and talk to Kevin about how we need to proceed, or where we need to go. I've been approached by several people out in the community, politically both sides, bi-partisan, I guess, to do something at the Centre in honor of Bill Brooks. So, I mean, and I'm not talking about renaming the Centre, you know, for Bill Brooks, but what I'm looking at, more or less, I think which would be favorable would probably be the exhibition hall. I would like to see from Kevin where we need to go, if we need a resolution or whatever to, you know, start that process. I would also like to talk to Sandy Aarons to see what kind of costs might be involved with the renaming and the signage. I have a commitment from Larry Aiken and a few people that he has talked with, like I say bi-partisan to raise the money to do this. So, it would be at no expense to the county that we would do this, but it would be in honor of Bill Brooks, and I've been approached by several people recently and before, and I've been slow at doing this, but I'm here to bring it up.

Commissioner Mourdock: What would you actually be raising the money for? Just a sign or something?

Commissioner Mosby: Just signage to maybe, you know, do something with the exhibition hall that would, some type of signage, and then anything that might be related to it out in the lobby that would point, you know, to the exhibition hall. He, they just said that if there was any cost to the county whatsoever, that they are willing to put that money up or raise that money, bi-partisan, to see something done.

Commissioner Mourdock: And you said Sandy is looking into that?

Commissioner Mosby: I'm going to talk to Sandy tomorrow. I haven't had a chance to get with her. I was going to do it last week, and I never did. I'm just going to ask her if there's going to be, you know, any type of expense or what expense we would have. But that cost would not be incurred by the Commission or the Council.

President Fanello: Well, I know I've been approached by several individuals also, and definitely in favor of looking at it. I never had the pleasure to meet Mr. Brooks, but have heard of several of the wonderful things that he did for the community. So, I think it would be nice to honor him in that way. So, I don't know if we need to direct that—

Commissioner Mosby: Do we need a motion?

Commissioner Mourdock: Sounds like until you get back word from—

Kevin Winternheimer: I was going to suggest, let me talk to Dave Rector first, and let's get some ideas on what exactly we're going to do, and the cost, and some of that stuff and bring it back for a formal motion at a later date, if that would be alright. I don't know if you've talked to Mr. Rector and his board or anything about this.

Commissioner Mosby: No, I have not talked to Dave or Sandy. Like I say, it's just something that's been out there in the community—

Kevin Winternheimer: Sure.

Commissioner Mosby: —and I didn't know if we needed a motion to start this rolling, or if—

Kevin Winternheimer: I don't think so. I think, ultimately we'll need a motion to do it, but at this point I think we can get some more details worked out, and then come back with a more formalized proposal that you can approve at a later date.

President Fanello: Okay. So, will you work on that, and maybe we'll hear something back next week.

Kevin Winternheimer: Right.

President Fanello: Okay. Any other New Business?

Commissioner Mosby: One thing I wanted to ask Tammy, or maybe propose to Tammy, when we get the employment changes in our packets, I would like to see that we have addresses on the employment changes. I know I have been one before that has questioned people being hired from outside Vanderburgh County. The City of Evansville or Vanderburgh County. I've questioned it with Legal Aid and several others before, and have always voiced my opinion of not being for that. Last week I think one got slipped through under some initials with no address on it. It was slipped through under S.S. Taylor, and I believe it's actually Susan Taylor out of Henderson, Kentucky. I will voice my opinion, you know, of hiring outside the City of Evansville or Vanderburgh County when I know we have plenty of people willing to accept \$10 an hour to go to work.

President Fanello: I don't know what would be the big secret anyway that we would need to leave the address off of a pink slip.

Commissioner Mosby: I went back and looked at a lot of them, and most always there is an address on them.

President Fanello: I was going to say, I very rarely, don't even recall seeing one without an address before. I don't recall one hiding somebody's first name either. Is there any other New Business from either Commissioner? I have one piece of small New Business. On election equipment I would like for Kevin to check on something for us. I received, and I think each Commissioner has probably seen it by now, there was a letter from the Secretary of State, and then I think Marsha passed along this information to the Council that the application for reimbursement for election equipment had been formalized. I read over the application, and it seems like it's an application if you've already purchased equipment, or you know you're going to purchase equipment. The deadline to file this form is by January 1, 2003. Which makes it very confusing, because we have no plans, at this time, or no funding in place to even buy election equipment. So, I'm wondering do we file, are we going to be able to file this form, and maybe seek reimbursement later? Or what steps do we have to take to make sure that we are going to receive reimbursement whenever we do buy election equipment? Because, as I understand it, and I think Patty checked it out for me, the election equipment we have is outlawed after 2004. We can no longer use the type of system we have after 2004. So, I'm not exactly sure what the Council, or how the Council is going to proceed.

Commissioner Mourdock: Is the letter that you're referring to, was that after the federal bill was signed?

President Fanello: Yes.

Commissioner Mourdock: Okay. Because until the federal bill is signed, the state didn't have any money to do it.

President Fanello: Yeah. No, this was afterwards. I think that's why she distributed the letter at the Council meeting.

Commissioner Mourdock: Yeah, but the state still, I think this is true, I'm pretty sure it's true still. The state has not actually appropriated money into that line item to allow the funding.

President Fanello: Yeah, but they still have that deadline in the statute, which worries me. I don't want us to miss a deadline that we need to adhere to. I don't want us to be on the outs of any reimbursement. So, it was kind of, it was very confusing the way the form was constructed, and the way this is all taking place. I did have a meeting with Marsha Abell, I think it was last week, just kind of touching base, and she is going to try and set up one more demonstration for us from the four accepted vendors, that are approved in the state of Indiana. She was going to try and set that up one more time, so that everybody could have a one, once more glance over.

Commissioner Mourdock: Okay, so just to clarify in bringing it up now, are you asking Kevin to look at the statute to give you that—

President Fanello: Yes, well, I would like for him to maybe have discussion with anyone in Indianapolis to see what we're supposed to do with this form, and just kind of check out where, you know, what we do if we don't buy equipment right now. If we don't, maybe don't buy it until 2004. Or put it in place until 2005, I don't know.

Commissioner Mourdock: Yeah, and certainly the intent of the legislation, initially, was to force counties to buy it by that date.

President Fanello: Uh-huh.

Commissioner Mourdock: I know there have been a number of counties that said, well, if we don't do it, and we still use punch cards, are you not going to certify our results in 2004?

President Fanello: Uh-huh.

Commissioner Mourdock: Quite honestly, I don't think that's going to happen.

President Fanello: No, I don't think, and we may not have money to buy them over the next two years.

Commissioner Mourdock: That's right.

President Fanello: And we have two very big elections over the next two years. I don't know how feasible it is for us to get it in....I don't think it, obviously, it wouldn't be good for us to have them in on a general election day.

Commissioner Mourdock: Right.

President Fanello: You know, is it feasible for us to get them in by the next primary? I don't think so.

Commissioner Mourdock: I think, no matter what, we still have to pay 10%, right? Originally it was 50%, but after the feds came in, I think, the state's saying now we only have to pay 10.

President Fanello: This letter doesn't address that issue.

Commissioner Mourdock: Okay.

President Fanello: So, I'm not sure on that. That could possibly be something that Kevin could check out also.

Commissioner Mourdock: Because even if it's 10, it's still \$120,000.

President Fanello: Uh-huh.

Commissioner Mourdock: Of wasted money, in my opinion.

President Fanello: Any other questions? That's my only bit of New Business, oh, one more thing. Madelyn reminded me. I almost forgot again. We need to reschedule our January Drainage Board meeting, because we have nine rezonings that night? Six?

Madelyn Grayson: Six second readings.

President Fanello: Six rezonings that night. Because in January and February, the way the dates fall with the holiday, we have rezoning and drainage on the same

night. So, we do not want to do....Richard is laughing because he won't be here. So, we need to reschedule our Drainage Board meeting.

Commissioner Mourdock: Are you wanting to do that for both January and February? Or just January?

Commissioner Mosby: I was going to say, according to your e-mail, it's two months in a row, so.

Madelyn Grayson: I was corrected by APC that the first readings for those six will take place in December, but that's just reading them into the record. So, I don't know how many will be scheduled for February.

President Fanello: Right. So, we might as well go ahead and reschedule both of them, because it's just kind of hard to have two meetings like that in one night. Sometimes you never know how long the Drainage Board meeting is going to last. So—

Commissioner Mosby: I'm going to be with Richard vacationing.

Commissioner Mourdock: What was that?

Commissioner Mosby: I'm going with you to vacation.

Commissioner Mourdock: Oh.

President Fanello: So, what dates...I don't have a February calendar here either. What dates do we, can we possibly do this? Do you have a—

Madelyn Grayson: I don't have a February calendar either.

Norma Duckworth: I have one.

Commissioner Mourdock: Norma to the rescue.

President Fanello: So the 20<sup>th</sup> is our holiday, right?

Madelyn Grayson: Right.

President Fanello: So, can we just go ahead and maybe move drainage up on the 13<sup>th</sup>, or something?

Commissioner Mourdock: We have solid waste.

President Fanello: Yeah.

Commissioner Mourdock: I would make a suggestion, obviously, it doesn't matter much to me, but I would try to move Solid Waste up to the 6<sup>th</sup>, and then—

President Fanello: Have drainage on the 13<sup>th</sup>?

Commissioner Mourdock: —have drainage on the 13<sup>th</sup>.

President Fanello: That makes sense. See we normally have solid waste on the 13<sup>th</sup>, and we're going to be gone the 20<sup>th</sup>, so 27<sup>th</sup>, so we want to move drainage up to the 13<sup>th</sup>, and Solid Waste up to the 6<sup>th</sup>, is his suggestion.

Commissioner Mosby: I don't mind having solid waste and drainage in the same night, but I don't want Drainage and Rezoning.

President Fanello: Doesn't matter to me.

Commissioner Mosby: Solid waste starts at 4:30.

Commissioner Mourdock: So, you want to have the solid waste, what's the date, Catherine? The 13<sup>th</sup>?

President Fanello: Yes, January 13<sup>th</sup>.

Commissioner Mourdock: So, I would move then that the schedule be for the 13<sup>th</sup> to have the rezonings, on the 13<sup>th</sup>, as opposed to the—

President Fanello: Drainage.

Commissioner Mosby: Drainage.

Commissioner Mourdock: Have drainage on the 13<sup>th</sup>.

President Fanello: Do you want to second that motion?

Commissioner Mosby: Yeah. He's still looking.

Commissioner Mourdock: Yeah, but it's just that drainage is usually the fourth Monday, which would be the 27<sup>th</sup>. Instead of moving the one that's normally scheduled, you're really rescheduling two. So, that's why I was going to have rezonings on the 13<sup>th</sup>.

President Fanello: But they haven't already advertised the rezonings, have they?

Commissioner Mourdock: I wouldn't think so. Usually it's not this early.

President Fanello: Do you know, Suzanne?

Suzanne Crouch: We haven't advertised.

President Fanello: We haven't advertised the rezonings yet. Okay, I didn't know how far in advance they needed to know.

Suzanne Crouch: (Inaudible. Mike not on.)

Madelyn Grayson: APC has sent out notices for January, beginning November 11<sup>th</sup>.

President Fanello: Okay, so—

Madelyn Grayson: And that was moved to 5:30.

President Fanello: Okay. So, the rezoning is already set then?

Suzanne Crouch: Right.

Commissioner Mourdock: And what did they set for the January Rezoning.

Suzanne Crouch: 5:30.

Commissioner Mosby: On what day?

Madelyn Grayson: On January 28<sup>th</sup>.

President Fanello: 27<sup>th</sup>.

Madelyn Grayson: 27<sup>th</sup>.

Commissioner Mourdock: 27<sup>th</sup>, okay, in that case, yeah, I'll move the drainage be scheduled on the 13<sup>th</sup>.

Commissioner Mosby: Second.

President Fanello: So ordered. Then I would assume that we would do the same thing for February. Move it to February 10<sup>th</sup>.

Commissioner Mosby: Well, let's move zonings.

Kevin Winternheimer: No.

Commissioner Mourdock: You can't.

Kevin Winternheimer: You don't want to move zonings, you want to move the other one.

Commissioner Mourdock: Right.

Kevin Winternheimer: Zonings (Inaudible. Mike not on.)

Commissioner Mourdock: Right. The zonings for February is already scheduled for the 24<sup>th</sup>?

Madelyn Grayson: The way the resolution reads is that if there is a holiday on the third Monday, it moves to the fourth.

Commissioner Mourdock: Okay.

John Stoll: One problem there might be on moving the Drainage Board is the sub review meeting is the second Tuesday of every month. Typically, between that time and the Drainage Board, I'm not sure what the exact time frames are, but that's the times that the developers and engineers have to submit their drainage plans to the County Surveyors office. So, depending on when the second Tuesday falls, it may tighten down the time frames on when the consultants can actually get their plans into Bill Jeffers office. So, it might create some problems in that way too.

President Fanello: That won't work.

Commissioner Mosby: (Inaudible. Too far away from mike.)

President Fanello: When is your sub review meeting?

John Stoll: The sub review is always the second Tuesday. I shouldn't say always, generally it's the second Tuesday.

Commissioner Mourdock: Well, one other alternative would be to schedule just the Drainage Board meeting on the 21<sup>st</sup>, on the Tuesday, and then meet just for Drainage Board, and not the Commissioner.

President Fanello: Can we just do that at a different time, so we don't have to come in at 5:30?

Kevin Winterheimer: You can do whatever you want.

Commissioner Mourdock: Yeah, I'm sure Bill Jeffers would be delighted—

President Fanello: Yeah, I mean, if we could do it during the day, or in the morning, or something. How about 9:00 or something? Does that work for you?

Commissioner Mosby: 9:00. It depends on whatever day it is.

Commissioner Mourdock: Tuesday the 21<sup>st</sup>. You don't know, at this point?

President Fanello: He doesn't always have a schedule.

Commissioner Mosby: (Inaudible. Too far away from mike.) I mean, yeah, I'll just have to be here.

President Fanello: Do you want me to go ahead.

Commissioner Mosby: I don't have a 2003 calendar.

President Fanello: Okay, why don't we go ahead and—

Commissioner Mourdock: Okay, I will move that the regularly scheduled Drainage Board meetings for January and February be held at 9:00 a.m. on Tuesday, January 21<sup>st</sup>, and at 9:00 a.m. on Tuesday, February 18<sup>th</sup>.

Commissioner Mosby: I'll second that motion.

President Fanello: So ordered.

Madelyn Grayson: Kevin, will those require advertising?

Kevin Winterheimer: If you give an annual notice of—

President Fanello: Thank you.

Kevin Winterheimer: —Drainage Board meetings, you can just note those dates, and then say the fourth, or whatever it is, Monday of every month after that. Just specifically notice that in your annual notice.

Madelyn Grayson: Okay. I think they sign that the first meeting of the year.

Kevin Winterheimer: That's fine.

President Fanello: Okay. Department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First I've got two items relating to The Village at Timber Park Subdivision. First is a request for street acceptance. This is for 108' of Shadwell Drive, 180' of Stanmore Drive, and 178' of Halford Drive. It's requested that these be accepted for maintenance by the county.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Also in that same subdivision, this is Section Five, Phase Two of the subdivision, request for acceptance of storm sewers outside the right-of-way. This is for a total of 267' of storm sewers. It's requested these also be accepted for maintenance.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: We haven't received the \$2 a foot fee from that developer, but we will get that. He has committed to giving that to us. The last item I've got is a request to go to County Council for an appropriation of \$825,000 in Local Road and Street, and \$825,000 in Cum Bridge for the University Parkway Project. This would cover the remainder of our local match on the road project, and it also covers the balance of getting the bridge constructed with local dollars.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

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

President Fanello: No.

Commissioner Mourdock: John, did you hear anything back from the fella who was here last week? Kim Husk.

John Stoll: Not a word.

Commissioner Mourdock: Okay. Didn't know if we'd cleared up anything there or not.

John Stoll: I'm not sure. That was pretty much what we had told him in the past, and we haven't heard anything back since.

President Fanello: Thank you, John.

### County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I hope you received my report for this week. I added a page to this report, and what I'm trying to do is track some of the costs that we incur out at the County Garage. These after end call-ins can be very expensive. It's an element that we almost have to do, like picking up deer on the road, after hours, and things of that nature. So, I'm going to start including that, those types of things into this report, with your permission to just try to get a matrix together, where the dollars go on some of these things. Another item I had was the automatic data processing people came out Friday and assessed out area for trying the network, all of our computers together to get us to where we don't have to go four different places to receive our data on each computer. Because right now we're not networked together. So, they're putting together a cost for all of those types of things, and I'll turn that in as soon as I get that to you. Besides that, the only thing I have is do you have any questions on the report?

President Fanello: Anybody have any questions?

Commissioner Mourdock: No.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Thank you very much.

### County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have two matters. The first matter I received notice after our last meeting that there is an appeal from a Trustee's denial of poor relief to an individual, a Ms. Johnson. I looked at the statute, and the statute says this is the body that has jurisdiction of that appeal, but you have several choices. You can hear it as a body as a whole, one member can hear it, or you can appoint a hearing officer. My recommendation would be, unless you want to hear this, which is your prerogative, that you appoint me as the hearing officer. The bad news is that the statute specifically says I can't get paid for this. I don't know why they put that in there. I wouldn't have billed anyway, but it does say that. In any event, that you appoint me as a hearing officer. We'll have a hearing, and then I report back to you what my determination is. Or you can do it yourself, but I need authorization from the board if you desire me to hear it.

Commissioner Mourdock: I'll move the appointment of Mr. Winternheimer as our liaison to be the hearing officer.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay. The second matter, as I mentioned last week, the City Council a couple of weeks ago, I believe, realigned the City Council wards, and that necessitated this Commission renaming two of the precincts. 1-11 will now be 3-16, and 2-6 will now be 4-16. That will move these precincts, and give them the name so that will coordinate with the City Council ward districts for the fourth ward and the third ward. Today I was, I talked to Dale with the Secretary of State's office, asked if they had a particular form for this? The statute provides you issue an order, he said, no, he said just send us something that lets us know what you're doing. We're not changing any boundaries, we're just sort of moving, although it's not actually moving anywhere, renaming 1-11 as 3-16, and 2-6 as 4-16. I think I put a copy of the order on your desk, and would ask for your approval.

Commissioner Mosby: You want a vote on this?

Kevin Winternheimer: Yes.

Commissioner Mosby: Okay. Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay. That's all I have.

President Fanello: Thank you, Kevin.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: I would like to ask the permission from the Commissioners to enter into negotiations with Will Fosse for writing specs for renovation of the ground floor bathrooms at the Old Courthouse.

President Fanello: Tammy and I talked about this, excuse me, last week when we were looking at our budget before the end of the year. We have extra money in some accounts in her budget. So, she has, I think, turned in a transfer Friday, and it possibly would be enough money for us to renovate both of the bathrooms on the ground floor. She did speak with Will Fosse about this, and I told her to bring it to the board, and talk to the Commissioners about it. So, if that's okay if she could pursue talking with him, and getting a contract for him to write those specs, and we could get that, and we could get those quotes before the end of the year.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tammy McKinney: That's all.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: Yes, Gary Hohman, Burdette Park. You have our work report, as well, I think you have an explanation of our Day Camp Director that explained her justification for the rate package for 2004. If you've had a chance to look over that.

President Fanello: You haven't? I don't think Richard has either. I was asking him before the meeting if he had, and I don't think everybody saw it behind their information.

Gary Hohman: Okay. If you have a chance to look over those, if you have any questions—

President Fanello: Okay. We'll look over it this week, and try and get back to it next Monday.

Gary Hohman: Also I would like to express our appreciation for the article that appeared in the Courier and Press this morning. Delightful to see positive publicity—

President Fanello: That was a nice article.

Gary Hohman: As a result of this article, we received an excessive amount of requests for a Monday for chalet building rentals. The only problem that we had with this, one out of every four requests, we were only able to book one out of four, due to the lack of availability of existing facilities. Which only goes to show a dire need for additional chalets at Burdette Park. That's all I have.

President Fanello: Thank you, Gary. Anybody have any questions? Alright. Thank you.

**Soil and Water Conservation District**

President Fanello: Soil and Water.

Norma Duckworth: Norma Duckworth.

Les Nunn: I'm Les Nunn. I'm one of the associates (Inaudible).

President Fanello: Hi.

Norma Duckworth: Our report this evening is fairly brief. Our soil erosion control, water quality, education committee work is ongoing. Nothing in particular to report. We are, starting tomorrow, going to have an informational booth that Mike and I are going to take turns manning at the Professional Training Institute for the contractors to get their license, so that we can give them information on soil erosion. The two projects we have going with the Clean Water Indiana money are progressing. I have met now with people from Howell wetland, and the zoo project, and I believe we'll see quite a bit of construction on that in the spring. It's getting a little late this year.

One thing I had reported earlier, several months ago, that I had taken a test for the Professional Erosion Control Specialist Certification, and I did receive that.

President Fanello: Okay.

Norma Duckworth: That's really about it. Do you have any questions from our reports?

President Fanello: I don't think so. Thank you both.

Les Nunn: Thank you now. Appreciate it.

### **Ozone Officer Report**

President Fanello: Do I have a motion to accept the Ozone Officer's report.

Commissioner Mourdock: Salute.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Consent Items**

President Fanello: I don't--

Commissioner Mourdock: Any changes to the Consents.

President Fanello: No, not that I know of.

Commissioner Mourdock: I'll move approval of the Consents, then, as filed.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Just, we don't have scheduled meetings on there, but Bill Jeffers just walked in the room, and, Bill, before you get away, we rescheduled a couple of Drainage Board meetings for January and February. So, you'll need that information. Did we schedule for next week an Executive Session?

President Fanello: No.

Commissioner Mourdock: Did we not? I have one entered.

Kevin Winternheimer: I don't have anything--

Commissioner Mourdock: Okay.

Kevin Winternheimer: --pending, that I know of.

Commissioner Mourdock: Okay. In that case--

President Fanello: Motion to adjourn?

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:32 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Superintendent of Buildings	Health Department	Auditor
SWCD	Knight Assessor	County Assessor
Perry Assessor		

**Employment Changes:**

Cum Bridge	Public Defender	Coroner
Auditor	County Clerk	Burdette Park
Center Assessor	Sheriff Department	Recorder
The Centre	Prosecutor	

**Requests for Service:**

Superior Court	County Engineer	Health Department
Sheriff Department		

**Auditor:** Submit Accounts Payable Vouchers.

**Sheriff:** Submit Weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Becky Kasha
Sherman Greer	Christine Martin	Donald Burton
Dave Rector	John Stoll	Dennis Hudnall
Gary Hohman	Norma Duckworth	Les Nunn
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
SPECIAL MEETING: OLD COURTHOUSE  
NOVEMBER 18, 2002**

The Vanderburgh County Board of Commissioners met in special session this 18<sup>th</sup> day of November, 2002 at 4:33 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

President Fanello: Call to order Vanderburgh County Board of Commissioner Special Meeting on the Old Courthouse. With us we have members of the Old Courthouse Foundation and the Courthouse Advisory Board. So, I guess, we'll begin...I don't know, do we have a spokes person for the Foundation who wants to start the meeting?

Unidentified: (Inaudible. Not at mike.) Dennis. Dennis has been (Inaudible) president until this point (Inaudible).

Dennis Au: Yes, Commissioners, I'm Dennis Au, President Pro Tem of the Foundation. We appreciate this opportunity to come before you. We were concerned, and wanted direction as to how we are to operate, interface with the Commission, and with the Advisory Board. We wanted to have this opportunity to have some dialogue.

President Fanello: Okay. Commissioner Mourdock, do you have anything? I would just say for, and I went back and reviewed the ordinance for the Advisory Board, and then articles for the Foundation. As Councilman Winnecke, I've spoke with him before, spoken with him before, my thoughts are that the Foundation, which is a not-for-profit foundation serves as a conduit for us to receive grants. I would also like to see the Foundation possibly have fund raisers for the Old Courthouse, and try to, you know, get some public money for us to do things at the Old Courthouse. With the county's budget constraints, I mean, I'll be honest with you, my first thought is I want to see the building restored completely, but I don't know how that's going to work within our budget over the next couple of years. So, until we could, you know, embark on a project of that size and nature, I think it's important for the Foundation to take a role of raising money and helping us to acquire grants to get some of the work done on the Old Courthouse. I mean, it's necessary to have a 501C-3 like this in order to accomplish that, because there's not a lot of grants available for governments, the same that there are for 501C-3's. So, that's kind of my, how I see the Foundation operating. The Advisory Board I see, you know, coming together and also looking at the operation of the facility. Looking at, you know, how we occupy the space. Also looking at who can occupy the space, if there's any government offices that can possibly move over there. Sort of interfacing with us on an operational standpoint. I think the Foundation could also do that as well, because I think both boards, all three of the boards could work together to come up with solutions and ideas for the Old Courthouse. So, I mean, I see constant communication and idea sharing back and forth. That's kind of the way I envision it.

Commissioner Mourdock: On the Advisory Board I'll just add that, you know, I really see that board functioning much as some of our other advisory boards do, Burdette Park being the classic example where we've got some people on that board who are very, very devoted to the park, and want to see better things happen out there, both in the short term and the long term. I would hope that the Advisory Board takes upon itself the mission to lay out how we can fully restore that building, and, my personal thinking is, and I think most people would agree with this, ultimately that building is going to end up being used again for government purposes, and I think

however we can bring together the people, the abilities, and the experience to say this is the plan for the building, the better off we are. I would like to see, not that this is a, this is my wish list, okay? I would like to see an architect review that building with the specific plan of bringing it back into 100% government use. There are all kinds of old courthouses around the state of Indiana, and I've been in dozens of them, that were once in the shape that ours is in, or in worse shape, and it's taken a lot of time, effort, money, and most importantly planning to bring those back into some absolutely, they are stellar examples both of architecture, but more importantly, of functional use for government. So, I think that ought to be a part of your goal. With the comment that Catherine made also, as far as raising money, I think part of the mission of both boards, perhaps especially the Foundation, is to try to keep the building in front of the public. Obviously, that's what your predecessor organization did for many years. Faye Gibson, I know the last night she was here, I think she was depressed when she left, and at the same time she was kind of pleased, because she took on the mission in 1969 to keep a wrecking ball from hitting the building, and it was 30 years that some would argue the building was almost in suspended animation, but it wasn't subject to a wrecking ball either. So, I think the group succeeded in that regard, and it's now your chance to pick it up and move it to that restoration stage.

President Fanello: I mean, I agree with Richard. I would like to see, you know, ways that we can promote use of the Old Courthouse. This past year, you know, we had a government day over there where we brought a lot of high school children, or elementary school children in to take a look at the building, and we had, you know, booths set up so they can learn about government. I mean, I see a lot of activities taking place over there that are educational, fun activities, something, anything that can promote, you know, the value and the historic aspects of the Old Courthouse.

Dennis Au: I think what's been said has given some good direction, particularly developing a plan for the building. What, in the first several meetings of the Foundation Board we were floundering around a little bit. You know, we need a particular goal, if we're going to raise money, we have to have a particular goal why folks should give us money. I think developing a plan, which is going to cost some money, might be a good initial goal. It may be good for us to, for the Foundation Board, to work hand in glove, particularly in this early stage, with the Advisory Board. I don't know if we can have joint meetings, or how we're going to communicate, but I think we're going to need to work closely with them.

President Fanello: I don't really see any problem with having joint meetings. They can do that can't they? I think that would probably be a good idea in the beginning, as you begin to set a plan down. I, you know, Richard has mentioned, you know, using it for 100% government, and I would like to see it used for government offices also, but I kind of believe that maybe, you know, we can use it for a mix of private and government offices. I think it would be well served in that benefit. If we can't use it for all government offices.

Commissioner Mourdock: Just to clarify my, I'm not suggesting you start vacating leases, but I think ultimately, if you're looking ten years down the road, that's what's going to happen, is it's going to be government.

President Fanello: And that could be the long term plan. Because I think it's going to be important to set out some three year, five year, ten year goals of how the building will, what you expect the building to look like in the next ten, 15 years.

Dennis Au: Very good. Is there any concept of, like directions you may want us to go in fund raising?

Commissioner Mourdock: As much as you can, as fast as you can.

President Fanello: Yeah.

Dennis Au: There are some federal government grants that are available that would be, that we could apply for, but then there are interest groups in the county, that if we had a specific project that, you know, perhaps we could entertain, as I look at my friend, Mr. Winterheimer, attorneys that, of course, many of the senior attorneys remember, fondly remember practicing in that building.

Commissioner Mourdock: Funny you should say that. Because I was trying to think of a way of how to work this into the conversation. I happen to be a history buff. It seems to me you need to build such events around some core activities, or maybe even significant dates. One of the things I was thinking of in this area is are there significant dates coming up that you could have your events, to begin to build the publicity as to what your new plan is, and how you're moving forward. There is a significant date coming up. That date is July 4, 2003. Anyone in the room know what happened at the Old Courthouse in July 4, 1903? Ah, see I'm the only person probably in the room, one of the few, Catherine too—

President Fanello: You weren't there then, were you?

Commissioner Mourdock: No, I wasn't there, but I'm not a native Hoosier, nor is Catherine, but I know a number of you who are. 100 years ago, this coming 2003, July 4<sup>th</sup>, something happened down there at the Old Courthouse that is known in Indiana history as the, well, let me tell you what it was. Ugly part of Indiana history. There were a lot of lynchings that were taking place from the 1880's through 1903. It was a serious problem, in fact, the lynchings in this part of the country were so numerous that southern governors were, basically, running people out telling them don't come down here and criticize us, look what's happening in Indiana and the Midwest. Low and behold a couple of people were caught and put in the old jail, down across from the Old Courthouse, and a mob started to form. The governor at the time, a guy by the name of Durbin, said that he was not going to stand for it, and they were going to change things. He mobilized the Indiana Militia, precursor to the Indiana National Guard. Sure enough a group showed up, wanted to free these couple guys, free them so they could drag them out and hang them, and the Indiana Militia opened fire out there between the Old Courthouse and the old jail. When it was over, 11 people were dead. I'm old enough I remember Kent State when four people were killed. It was like the nation came to a stop. I've often wondered what it must have been like in Evansville back in 1903, because everybody in town had to know one, at least one of those 11 people. As ugly a part of Indiana history as that is, that also put an end to the lynchings. They quit. There was only one lynching from that day until now. Which was a dramatic change in the history of the state. So, I make that point of being a little historical date that it may be something you can build around. If nothing else, create a monument, dedicate it down there on that day, and start to build interest in the building through it's history. So, I happened to have discussion the other day with James Madison, who is professor emeritus of history at IU, and he was saying how one of his goals was to create more historical markers around the state, both of good things and of bad things. After that meeting, I got to thinking of this, and it seemed like it might be an appropriate time to put something forward. So, there's a challenge for you two groups. And there's your history lesson for the day.

President Fanello: Thank you.

Dennis Au: Excellent idea. I think we could perhaps even work in tandem with the Vanderburgh County Historical Society.

Commissioner Mourdock: Absolutely.

Dennis Au: They're the one's who generally make application to the state for historical markers. Perhaps we could work with them on a program.

Commissioner Mourdock: Once you get such a marker in place, it might build the way for some future funding down the road. Look, we've already got an historical site. It's already been recognized for this reason, and keep building on that.

Dennis Au: From my point of view, in conclusion, if we could just make sure we have some direction to perhaps have a couple of initial meetings between the Advisory Board and the Foundation, if your staff could help with making that happen.

President Fanello: Tammy would be happy to help you out.

Dennis Au: I think that would be a good start for us, and we could begin to formulate a direction on what projects need to go forward, and then a direction on how we're going to make, how we're going to raise money.

Commissioner Mourdock: And I'll make another suggestion in that regard, and, obviously, I won't be here after January 1<sup>st</sup>, but the first part of a plan is setting some dates in place, so that people know when to report. I think if you did that quarterly to the full board of Commissioners, if you could come back, maybe, at that first meeting, and say here are the list of goals that we've set for us, and then report periodically every quarter as to the progress you're making on those goals. I think that would serve the board well, and probably help keep you all well focused.

Dennis Au: Absolutely. That's the other part of the triumvirate here. We need to know exactly what the pleasure of the County Commissioners are in these matters.

President Fanello: Is there anyone else in the audience who has anything that they would like to add?

Commissioner Mourdock: I'm curious, is there much divergent thinking within the group that's here? In other words, do some of you see the building going one direction, and others see going another? That's not bad. I'm just curious what the full scope of the thinking might be. Jack, you're never without a word or two.

Jack McNeely: You caught me at a rare moment.

Commissioner Mourdock: Alright, I see Mr. Bohleber is starting to rise from his seat there.

Steve Bohleber: I'm just trying to leave.

Commissioner Mourdock: Oh.

Steve Bohleber: But, since you mentioned my name. I'm Steve Bohleber, and I'm a member of the Foundation Board. I'm glad that we had an opportunity to meet, because one of our questions has been how the three entities work together. I think joint meetings are certainly great. I think Commissioner Mosby is on the Foundation

Board, as well. I would presume he would be our liaison to this body, in the future. I see a lot of...do you envision that we would solicit and have members for the Foundation from the community? That seems to be a logical thing to do. Is that something we have the authority to just do, if we choose?

President Fanello: I think those are already set in the by laws, the members and who they are. There is quite a few citizen appointments–

Steve Bohleber: No, I'm talking about memberships.

President Fanello: Oh, memberships.

Steve Bohleber: All not-for-profit organizations can solicit memberships–

President Fanello: Yeah, that's right.

Steve Bohleber: –at various levels, as contributors.

President Fanello: Is that–

Steve Bohleber: You know, I would think that would be a possible way of energizing a group of citizens in the community–

President Fanello: I agree.

Steve Bohleber: –to work toward the ends here. Involve the schools as well, because of the historical significance that you mentioned. There a lot of other historic things that happened on the steps of that courthouse almost every, every year.

Commissioner Mourdock: Uh-huh.

Steve Bohleber: To try to put together some, some history. I do appreciate the clarification we've received, because the by laws and all the other documents were suggested, but certainly we wanted to hear what the Commissioners thinking was on our role, again, how we interact with the Advisory Committeeman. If we could meet with the Advisory group in some detail–

President Fanello: And I think–

Steve Bohleber: –that would not be, in your opinion, any violation of any state laws? Is that right, Kevin?

Kevin Winternheimer: No.

Steve Bohleber: Since we're not elected officials.

Kevin Winternheimer: No, go ahead. That's fine.

Steve Bohleber: Thank you very much.

President Fanello: Thank you, Steve.

Commissioner Mourdock: Going back to something Dennis said. I think, you know, when it comes to the fund raising, until you really have some specific goals in place, you're not going to be very successful.

Steve Bohleber: You can't get people to throw money into a pot for some dream that is not yet formalized.

Commissioner Mourdock: Right. Yeah. Lloyd do you have any comments as far as what the long term funding potential might be from the Council? Or how you would see that, or not see that?

Lloyd Winnecke: Lloyd Winnecke, Foundation member from the County Council. Long term, obviously, we would like to see as much money raised through this venue, or this venue, I guess, as possible. We've, Council has appropriated a million dollars for the replacement of the roof, and that process is underway. The windows, I think, would be the next logical replacement item. I think, to Commissioner Fanello's point, I mean, I think a lot of people would like to see a complete restoration, if you will, but I don't think there's a plan yet, and, frankly, I think, you asked earlier if there was a, what the opinion of the Foundation Advisory Board was about the use. We haven't really gotten into that much discussion. I think, we've been sort of trying to muddle our way along, and figure out what we're all about. I think this clarification really helps that process, and we'll be able to move along in a little more expeditious fashion. I think, long term, we would like to see, in my mind, I would like to see us institute, or re-institute, I guess, in this case, an annual sort of signature fund raiser, that's unique to the Old Courthouse. We can't set that today, or next week, again, we need to figure out what the goal is, and move on from there.

Commissioner Mourdock: Have any of you in the group, or, Lloyd, especially, have any of you been to many of the other county courthouses around the state that have been totally refurbished and remodeled, and had any discussion with anyone as far as how they did the funding on that?

Lloyd Winnecke: I have not.

President Fanello: Is it, oh, I'm sorry.

Commissioner Mourdock: I'm sorry. Oh.

Dennis Au: Dennis Au, back at the microphone. I've been to Tippecanoe County—

Commissioner Mourdock: Uh-huh.

Dennis Au: —they have a courthouse approximately contemporary with ours, not as nice, mind you, but they have quite an ambitious plan to indeed add even more space internally, and to, as much as possible, respect the historical integrity of the building. It turned out very well. It's the pride of the community once again, and a real asset to Lafayette.

Commissioner Mourdock: Tippecanoe's is right, right smack in the middle of downtown Lafayette too. It's right in the square there.

Dennis Au: Absolutely.

Commissioner Mourdock: I know they had a real hot bed of activity last year, because a judge mandated more security for the courtrooms, and all the restoration they had just done was, basically, some of the historical restoration was going to be disturbed, otherwise ruined by the new security measures that were being put in place. The moral of that story is, if we're going to start to go toward courtrooms or something, we need to be thinking all the way around as to what the long term

implications might be. For that reason, that would be another good one to revisit just to hear what they had gone through. Allen County is a fantastic courthouse. It's, again, very much the same vintage, maybe even a little bit larger than ours. It might be one of the only ones that's larger in the state. Monroe County in Bloomington is a good one. I really encourage you to get up and look at some of those, and find out how they did it. If it was strictly done through council funding, or how they might have brought other historical groups into it, because they've done a masterful job on some of those.

President Fanello: I think the one in Allen County, is that the one where the Smithsonian helped them restore? There's one courthouse in the state where the Smithsonian Institute helped.

Commissioner Mourdock: It may be. Tammy, you're nodding your head. Is that—

President Fanello: Is that the one?

Tammy McKinney: I believe so.

President Fanello: I don't know how they did that, but I wish we could find out how to go down that same route.

Commissioner Mourdock: Maybe a good role of that one as an example, it's been done over a number of years. They were literally just finishing it up last spring and summer. You walk through two of the wings, and it was beautiful and restored, and that last one still had scaffolding with people lying on their backs doing the Michelangelo imitation. It was fantastic to see.

Dennis Au: Yes, Allen County is another one. I've just seen it on the outside. It may be a slight misrepresentation saying the Smithsonian did it. I believe they did the restoration through Save Our Landmarks, which is a government program that gives large grants. I mean, a lot of these government grants are, maybe \$50,000, which is not pocket change to me or most everyone sitting here. However, when you're considering a project such as the Old Courthouse, that doesn't go that far. I believe Save Our Landmarks gives money in the millions of dollars.

President Fanello: Maybe we could get them to save our landmark.

Dennis Au: Well, indeed. What I think will be necessary, we do have a representative of the Historic Landmarks Foundation of Indiana, and they do have their finger on the pulse of such projects, and can help. In fact, Mr. Stewart Sebree, the local representative is in the audience today, and I'm hoping we can work with Mr. Sebree to tap into many of these things.

Commissioner Mourdock: One other comment that I would make, and I'll kind of underline this, picture it in italics, and maybe bold. In every courthouse that I visited over the last year that had been dramatically remodeled, without exception, everyone of them led to some revitalization in the surrounding block. Tippecanoe County, it was one of those there in Lafayette where a lot of the downtown area was starting to fade, but all of a sudden now there is a gleaming courthouse, and people feel better about downtown, and they've put some new shops in, and that kind of revitalization. With that in mind, it seems to me the city has a great deal to benefit. So, let's think broad brush here, how would the city participate, perhaps, in helping to fund the county with the Old Courthouse, because I think it could lead to a vitalization, a revitalization of that whole area. The one thing that's different, there aren't many, there a few Indiana county seats that are like ours. We're in the

minority. Most old courthouses are right in the downtown square. Ours is kind of off a few blocks. That's both a problem, I think it led, in some way, why the building did eventually not fit the scope of what we needed, and caused it to be abandoned. But, now it's somewhat of an opportunity, if that can be a target to help revitalize that part of downtown. So, I think it could be a real jewel in that sense that could lead to other things. So, try to get the city involved.

Dennis Au: Thank you very much.

President Fanello: Thank you, Dennis. Is there anyone else here—

Don Cox: I'm Don Cox. As you know I was on the other committee, the original committee, and I took that appointment on that committee with a little hesitation, because I've never been known as a preservationist around town. In fact, some of these people know very well. I have always said, if there was one building in town that needed to be saved, it was the courthouse. It's too bad we didn't save the railroad station, both of them. I think the committee that we had, I agreed to serve on the Advisory committee. I don't even know who's on the committee, for instance. Or what our job is supposed to be. The committee you had originally was a very good committee, and they worked very hard at it, some more than others, but I would like to see some more of those people involved that was involved with the original committee.

President Fanello: Okay.

Don Cox: I think they've got some ideas, and what they did, at first, you all were following through on that. If we could take that same idea and keep going with it in doing other things, to repair the building, get it in good shape, and good use. As far as use is concerned, I've said that I think that the courthouse's main use, if it's going to be used, will be for government offices. We've tried for many, many years to get private offices in there, and it just hasn't worked, and boutiques and this sort of thing. I think if we could get an idea of where we want to go with it, what the use we want to put to it, and this committee that we had before, I know that one, and I'm sure there are others who could serve on it too, would have an idea of what you really want, and where you want to go with this thing. I'm willing to serve on it. In fact, I feel honored to serve on it. Even though I don't live in Vanderburgh County, by the way. So, I wouldn't have to pay for it, would I?

Commissioner Mourdock: We're working on that.

Don Cox: You'll work that in.

Steve Bohleber: Only with your billfold, Don.

Don Cox: I bet you could do it. I really think that we need to have a little more direction. Or I do, at least, of what you want out of us, and what do you want us...do you want us to come up with the programs and furnish it to the Foundation, and say we need a million dollars, go get it, type of thing? I think the Foundation has got their work cut out. That's going to be a terrific job. I've served on several Foundations, and happen to be chairman of one right now, but you're going to have to go after some big money, and some of these people.... I would, my advice to you is to try to get some of the people that's involved with the two University Foundations involved, and some of these other foundations around that have been successful. When they go out, they go out after \$30, \$40 million, for the universities. I don't mean that we need to do that, but I think if you had some people that would, that

really know how to get out and bulldog it, and raise the money, you're going to need that.

Commissioner Mourdock: Well, that's a great suggestion. How about this, if, I'll be presumptive here a moment, for a moment, but I think this would pass the whole Commission. If you could get us a list of those names, or if you and several other members of the group want to give us the names that you think would be particularly helpful, the County Commission can certainly communicate with those people, and ask them to serve in membership in the way Steve Bohleber was talking about with the Foundation.

Don Cox: Yeah.

President Fanello: We also still have three appointments...we have not completely filled the Advisory Board yet.

Commissioner Mourdock: Okay.

President Fanello: We still have three appointments on the Advisory Board.

Don Cox: Good.

Commissioner Mourdock: But that is a great idea.

Don Cox: Who else is on there?

President Fanello: Melinda Jarboe, and then it will be Tammy McKinney, and a Commissioner appointment, and then we have three citizen appointments, I believe, is how it was....and we have not filled all three citizen appointments from the Commission.

Don Cox: Think about some of those people who were on the first one.

President Fanello: Could you possibly get Tammy a list of some of those names?

Don Cox: Pardon?

President Fanello: Could you possibly get Tammy a list of some of those names.

Don Cox: I think so.

Tammy McKinney: That was the Task Force.

Don Cox: Yeah.

Tammy McKinney: I was on it.

Don Cox: Yeah, she was on it.

President Fanello: Okay.

Don Cox: Don't you think that was a good group? Some of them put in an awful lot of time on it. You need something like, somebody like an architect.

Commissioner Mourdock: Okay.

Don Cox: And maybe an appraiser, and this sort of thing. Which you had on the other one. But, that's all, that's about all I've got to say.

President Fanello: Thank you, Don.

Don Cox: Just tell us what to do.

President Fanello: Is there anyone else who would like to offer any comments or suggestions? Don't see any. Well, we're always here for questions, and we look forward to hearing your ideas and suggestions, and if you want to have another joint meeting with the Commission at any time, just let us know, and we can all get together. We'll go ahead and try to fill the rest of those Advisory Board appointments, and then you all can have some joint meetings, and come back to us and let us know what you think.

Commissioner Mourdock: Make a plan. You're nothing unless you got a plan. So, give us a plan.

President Fanello: We do thank you for your time and effort.

Steve Bohleber: Thank you.

President Fanello: Thanks.

Commissioner Mourdock: I guess, formally I'll move adjournment.

President Fanello: I'll second that.

The meeting was adjourned at 5:02 p.m.

**Those in Attendance:**

Catherine Fanello	Richard E. Mourdock	Kevin Winterheimer
Tammy McKinney	Bill Fluty	Madelyn Grayson
Dennis Au	Steve Bohleber	Lloyd Winnecke
Don Cox	Others Unidentified	Members of Media

**Catherine Fanello, President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
NOVEMBER 25, 2002**

The Vanderburgh County Board of Commissioners met in session this 25<sup>th</sup> day of November, 2002 at 5:27 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, November 25<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Good evening. Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney ; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of November 18, 2002 Commission Minutes**

President Fanello: Do I have approval of the November 18<sup>th</sup> minutes?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Approval of November 18, 2002 Old Courthouse  
Special Meeting Minutes**

Commissioner Mourdock: Also move approval of the special Old Courthouse meeting minutes from that same evening.

President Fanello: Second, and so ordered.

**Permission to Award Cell Phone Bid**

President Fanello: Next item is permission to award cell phone bids. We had deferred that from last week until the County Attorney could review the contract. Have you had a chance to review that, Kevin?

Kevin Winternheimer: No, I haven't received it yet.

President Fanello: Okay. I guess we will hold until next week.

**Old Courthouse Craft Show Contracts**

President Fanello: Next item is Vicki Bohleber, Old Courthouse craft show.

Steve Bohleber: Hi, I'm Vicki.

President Fanello: You certainly do look different.

Steve Bohleber: Vicki has a cold, that's her excuse for not addressing you, but I will be very, very brief. Happy to report on behalf of my wife, Vicki, and my sister-in-law, Theresa Blankenberger, that the Old Courthouse craft show was a tremendous success. The place was packed on Saturday for much of the day. It was full. If you grant us the honor of giving us a contract for 2003, I think, we'll expand over into the old Coliseum, as well. Also, there has been interest in a spring craft show. Vicki's already signed, and Theresa's already signed up 54 crafters for that. They thought they couldn't get more than 50. So, we have given each of you a report on the financial success, and some other items involving the 2002 report. We have a check for \$5,853 to give to the county, which is your contractual share of the proceeds from the fall show, and that pleases me. We didn't know where we would be when my wife started this, and I was a little apprehensive about filling the place, but it's full, and I think we can do better next year.

President Fanello: Does anybody have—

Steve Bohleber: Want me to give you some money?

President Fanello: Oh, we'll take money.

Steve Bohleber: And I ask you to accept these contracts for 2003. Vicki has a (Inaudible).

Commissioner Mourdock: I'll move we accept the check.

Commissioner Mosby: I'll second that.

President Fanello: So ordered. There are two contracts in our file. Does anybody have any questions on the proposed contracts.

Steve Bohleber: The fall is the same as this year's. The spring you didn't have one. It's identical in terms of the way it's being split, except the rentals are different, because the spring shows, historically, rent for less, and they try to keep it with what they did recently in the spring shows here.

Commissioner Mourdock: Only comment I would make, I know when this came through before, Kevin was not County Attorney. So, I guess, I would want to make sure he's seen them. So, unless you've seen them previously, I would ask that we would defer them one week.

Steve Bohleber: He's seen them.

Kevin Winterheimer: Well, and I apologize, because I just looked at them today. There was a couple of concerns, and I talked to the Building Superintendent, and

there are....two concerns, the contract is fine. One is, and I know he has it, but I would like to put it in there, the insurance coverage that you have.

Steve Bohleber: It's there.

Kevin Winternheimer: But, I don't think it's in the contract.

Steve Bohleber: (Inaudible).

Kevin Winternheimer: Yeah. Just, yeah, put the amount in, and the other thing I think there was a question about, about clean up, from the last event. Apparently there was some sort of mess that was left after the last event by the people that were renting the tables. Is that correct?

Commissioner Mosby: Yeah, I think it was the amount of time with the clean up. My question is, and I don't know if it's in here or not, I didn't discuss it last time. Due to the fact the amount of time that I didn't realize the employee was going to have to spend over there. His amount, or some kind of, I can't think of the word I'm looking for, anyhow to make up for his wages.

President Fanello: The overtime.

Commissioner Mosby: The overtime that we're spending. I think there should be something in here on that. So, I mean, I didn't realize how much time he was going to have to spend there for that weekend, and that's a tremendous expense to the county. So, I would be looking for something in the contract that would cover that.

Steve Bohleber: That's the only expense that Vicki and Theresa are not bearing. They had \$2,000 in other expenses, including insurance coverage you talked about. So, that was the only real expense that the county was incurring was an employee.

Commissioner Mosby: It's up to you.

President Fanello: Any other comments? Kevin, are you needing to look at this another-

Kevin Winternheimer: I've looked at it, the only thing I would say that I have no problem with what's there. The only thing I was going to just add into was the amount, Steve, what did you have? You had a million-

Steve Bohleber: A million dollars.

Kevin Winternheimer: -and then, okay. Which, I don't have any problem with that. Just add that in, unless you want to add something else about what you were talking about, Commissioner. That was the only thing that I had.

President Fanello: Do you have any comments on that issue?

Commissioner Mourdock: No, I just, I never feel comfortable when we put people to, in negotiations at the microphone.

President Fanello: Uh-huh.

Commissioner Mourdock: So, I guess, I would suggest, maybe, again we look at this next week. If maybe you can talk to David, or, Kevin, the three of you, however converse, and that way all the language can be finalized when it comes up for vote. That would be my request.

Kevin Winternheimer: They won't rent it out between now and then.

President Fanello: Yeah, we promise. We promise.

Commissioner Mosby: And I'll second that motion.

President Fanello: So, we'll put it back on for next Monday night.

Steve Bohleber: Thank you.

Kevin Winternheimer: I was going to say, you probably wouldn't even need to come back, if the language is fine.

President Fanello: Right. We'll just--

**Revisit Awarding of Cell Phone Bid**

Commissioner Mourdock: Phil just stepped in a moment ago.

President Fanello: Okay. Where is he?

Commissioner Mourdock: Over on the right.

President Fanello: Oh, there he is. Kevin said he did not have a chance to review the contract for the cell phones. So, I guess, we will put it back on for next Monday night.

Phil Lawrence: I did bring some...David had asked for some background information. So, I did bring some, so you can look at that, and just give us--

**Award of Transportation Services Bid for  
Department of Family and Children**

Phil Lawrence: The other thing is, last week we also talked about awarding the transportation contract. I took that one over to Kevin, and I think he's had a chance to read that.

Kevin Winternheimer: I'm sorry.

Commissioner Mosby: Transportation contract, did you have a chance to read it?

Phil Lawrence: Yeah, the transportation with Yellow Cab Company.

Kevin Winternheimer: No.

Phil Lawrence: Oh.

President Fanello: He hasn't seen either one of them.

Phil Lawrence: Hmm.

Kevin Winterheimer: No, I haven't seen that one either.

Phil Lawrence: Okay. Well, (Inaudible).

President Fanello: If, see, they go in the signature, and if they are in the signature file, somebody needs to get them back to Kevin to look at. They may have, I think, they were in there last week.

Madelyn Grayson: Phil, you didn't have them with you last week.

President Fanello: Okay.

Phil Lawrence: No, I had the...no, no.

Commissioner Mourdock: The one had just gone through the Board of Public Works.

Phil Lawrence: Right. Okay, fine. Maybe we can do those both.

President Fanello: Maybe you could get copies to him this week, and he'll look at them.

Commissioner Mourdock: And , Phil, an unrelated matter, would you give me a call some time tomorrow? Nothing urgent.

Phil Lawrence: Sure. Okay.

<b>Public Comment</b>
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President Fanello: Is there anyone in the audience wishing to address the board at this time?

Betty Knight-Smith: I really don't have to come in front of the Commissioners, but I'm showing you the courtesy. I have three estimates on furniture for the office. I'm interested in the lowest one there is, and I brought you a copy of them.

President Fanello: Well, we appreciate that. Thank you.

Commissioner Mosby: Thank you.

Madelyn Grayson: Catherine, may I make copies of that for the permanent record?

President Fanello: Sure. Do you want...if there is no one else in the audience wishing to address—

Phil Hoy: I'm just curious, are you going to address the insurance issue tonight?

President Fanello: Under Old Business.

Phil Hoy: Under Old Business?

President Fanello: Yes.

Phil Hoy: Thank you very much.

**Old Business**

President Fanello: Now on to Old Business. You missed it by just a second.

Phil Hoy: I thought maybe you had some other Old Business. Phil Hoy, County Council.

President Fanello: We'll go, there's quite a few people here, so we'll move on to the health insurance.

Phil Hoy: Right. I'm just here to reinforce what the County Council voted at our special meeting, and it was a unanimous vote to support the insurance program. So, I hope you will. Thank you.

President Fanello: Thank you, Councilman. Do any of the Commissioners have any comments right now? No comments from Commissioner Mourdock. Commissioner Mosby?

Commissioner Mosby: Yeah, I'll make a couple comments. In looking at the, I guess, resolution that the County Council has passed, and, to me it looks like they've kind of left it wide open. I guess, I think, even their attorney made comment, or alluded to the fact that best is whatever, I guess, you presume it to be. I feel like what we have did, and what we have voted on, and the insurance changes that we have made does not sacrifice, in any way, any levels of coverage. I think the one thing that I'm looking at more than anything, and I don't see in here, and I've not heard anybody say is how we're going to pay for this over the next three years. I look at that, because I know there is going to be a tremendous increase in health insurance, the same as it was this year, over the next two years. At some point in time, we're probably going to get to the point where, as one Councilman said in that meeting, maybe employees won't get a raise. Now, to me that does nothing for the level of encouragement to our employees. It does not help to sacrifice insurance over and above a raise. I've heard a tremendous amount of employees walk to this mike right here and say, we get health insurance coverage because we're not paid that well. Well, if we're going to sacrifice raises, you know, in lieu of health insurance, and we're going to save \$150 a year for health insurance, but sacrifice a 3% or 4% raise, I don't see in any way what we're gaining, or benefitting. Now, I know this year, the County Council sat up there from day one, in January, February and March and said we have to cut, we have to cut, and we have to cut. Some department heads were offering as much as \$50 and \$100 back. The level of the Road and Street Fund went from \$3 million to zero. We've taken a million dollars out of Riverboat for two years. Well folks, these funds are empty, and there's no money there to be taken next year. I want somebody to show me where this money is going to come from, or else we're all going to suffer. That's exactly the way I look at it. You know, we have dropped the level of service in this county, and I'm not going to continue to sit here, and just drop the level of service when we have no money to do anything with. We end up having no money to work with, but we can provide health insurance, no raises, no nothing. That's exactly what I see. I've had nobody come forward and explain to me where this money is going to come from. Seeing that, I am going to stick by the decision I made.

Commissioner Mourdock: I'll just respond to that very quickly. I know, Catherine, in the memo that you sent over to the Council, kind of asking them to have the special meeting, you noted, and quite correctly, that when we first looked at this proposal, the three of us voted unanimously to go along that route. In our last meeting, however, after having heard the concerns of a lot of the employees, I thought, and still think, we made the right decision in asking Council to make the commitment to do something. This time it was the Council that was unanimous, 7-0. I would just go on line to say that David commented a moment ago that the level of services in the county have dropped. I don't, I haven't gotten any calls saying that the level of services in the county have dropped. I do agree with David, and I think all three of us would agree, that there will be some tough budget times coming for this county. I don't think there's, in fact, after sitting at the legislative session with the chamber of commerce the other day when all of our local representatives were there talking about how they expect some more unfunded mandates coming towards the county, it won't be a pleasant couple years, I think, to be on the Council. But, nonetheless, we asked them for their opinion, they gave it to us unanimously, and they have made that commitment. I think, probably the employees in the county recognize that if they do want this higher level of benefits, and by that I mean higher level than the private sector, there, as further costs come from the state government, that, in fact, maybe a freeze on wages is something that they would look at. But, I think, most of them would rather have the freeze of wages than to lose the benefit. That is what I was hearing between the lines last week. Again, no one said that overtly, but I think I heard that between the lines. So, I feel that the second look that we've done at this, I think we asked the Council to do the right thing by looking at their budgets, and trying to forecast, and I'm willing to honor their judgement. So, you're in the middle, Catherine.

President Fanello: Thanks a lot. Well, first of all I want to ask a question. Because I see a lot of employees here that aren't on this plan. So, first of all I want to make sure that everybody knows which plan they're on that's changing. So, is there any confusion about that? Because I see a lot of Highway guys here, and there's only one Highway person on this plan that we're talking about. Jacke?

Jacke Crawford: Ma'am?

President Fanello: Yeah, I mean, I don't want anybody to be confused about which plan we're talking about.

Jacke Crawford: I haven't got any idea on which plans you're talking about. I'm on Welborn HMO, and that's what I'm here about.

President Fanello: Okay, yours isn't changing. The only thing that's changing—

Jacke Crawford: Yes, it is too. The co-payments are going up—

President Fanello: The prescription co-payments are increasing by \$5.

Dennis Woehler: And the hospital will have a \$100 co-pay.

Madelyn Grayson: Please come to the microphone.

Commissioner Mourdock: Yeah, both of you, please come to the mike. Jacke and Dennis.

President Fanello: Okay.

Dennis Woehler: Just real quick.

Commissioner Mourdock: You need to identify yourself.

Dennis Woehler: Dennis Woehler, ONB Insurance. The Welborn plan change that was recommended, would be an in-hospital co-pay of \$100.

President Fanello: \$100. And the prescription.

Dennis Woehler: The prescription drug card would be increased from \$5, to a \$10/\$20/\$30 drug card.

President Fanello: Okay.

Jacke Crawford: That's what I understand too.

President Fanello: Okay, I think the one that's been the subject of discussion has been the Anthem traditional plan, which changed to a PPO plan. So, I just wanted to make sure, because I didn't want anybody to be confused. So, you know, I never think it's wrong to go back and change a decision if new information comes available that makes you change your, change your mind back. But, the information needs to be overwhelming. It needs to be convincing, and I have done...I have probably talked Dennis Woehler's ear off the past few weeks, talking about this issue. I have talked with Lisa Gish at Tri-State Business Group on Health. She is probably an expert in her field. I have done numerous research trying to find out how other counties are dealing with health insurance issues. I think that we have three very excellent plans here. The plan that would change from the Anthem traditional offers benefits, or the PPO offers benefits that the traditional plan did not. Such as well child care benefits, and preventative maintenance benefits. Which that includes check ups, vaccinations, things that weren't covered under the traditional plan. Now, I know it's always tough to talk about health insurance, that's a sensitive issue. I know it is. I have a grandparent that has a lot of health problems, and she doesn't have coverage for the health problems that she has. Insurance is a sensitive area. The day and age we live in right now, health insurance is rising. It's almost becoming unmanageable for employers. I work at a firm that doesn't even offer health insurance to it's employees. So, I feel quite fortunate the fact that I can take the health insurance with Vanderburgh County. But, there are people out there suffering. I think that we have three excellent plans. I think this Commission has done it's job to search for the best coverage possible, at the best price possible. I respect the fact that the County Council thinks that we can afford to spend a million extra dollars over the next three years, but I don't see that. I have wrestled with this decision over the past few weeks. You know, with second guessing myself, going, you know, going back and researching information, and thinking did I, did I do the right thing? Or did I do the wrong thing? I can honestly go to bed tonight, and think to myself that we have three wonderful plans, at a good price. We're trying to be fiscally responsible here, while also trying to give our employees the best coverage possible, because our employees we have to, we have to do things that show them that we care, we appreciate their employment with Vanderburgh County. I think we do that. I do not want to see county employees lose raises in the next few years, but as Commissioner Mosby said, I do not know where the money is going to come from. It is no secret that this state is in a budget crisis, and this county is not in the

best fiscal situation right now, just due to the fact that the economy in general. We need to be responsible. So, with that, I'm going to stick with my original decision.

Commissioner Mourdock: Well, to be consistent as we acted last week, at David's request that in sending this back to Council, we have a roll call vote. I would put the motion forward in the positive, and ask again for the roll call vote. The motion, stated in the positive would be then that the Commission's original plan to move towards the revised health insurance plan, as voted on, do you have the date?

President Fanello: I have no, I don't know if we put the date in the letter.

Commissioner Mourdock: Alright.

President Fanello: Madelyn, do you remember the date?

Commissioner Mourdock: Well, let me just state it this way. I move then that we stay consistent with our previous vote, and honor the plan that was put forward. I put that—

President Fanello: And then we're going to do a roll call vote.

Commissioner Mourdock: And you just need to—

Commissioner Mosby: Okay, I'll second that. Okay, I'm trying to make sure how you worded that.

President Fanello: And I'll take a roll call vote. Commissioner Mourdock.

Commissioner Mourdock: I'll say no. I think we should stick with the plan that we sent to Council, and that they unanimously endorsed.

President Fanello: Commissioner Mosby?

Commissioner Mosby: I will say at this time, and reiterating part of what I said a while ago, that I hope that the County Council will look at what we did, and the money that we're talking about saving, and the money we're trying to...well, we're trying to be fiscally responsible, that next year when it comes time, and we hear about county employees not getting raises, and us not having the money for this, that I would encourage the County Council to take a look at what we did in saving money on the insurance, and put that back into county employee raises. I know there's been a lot of discussion about the amount of pay we give, and I sympathize with what we do. I know we've held 3% for a long time. I hope we can continue to give raises, and I would ask that the money we do save, that the County Council will look at, and look favorably upon employee raises for the next few years.

President Fanello: And I'll vote yes. So, with that, I guess, we can move on to the next Old Business item, which is the jail project.

Madelyn Grayson: Catherine, may I make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

Commissioner Mourdock: Catherine, we might clarify that, given the question he just raised. David never really said yes. So, you might just want to clarify that for the record. Are you ready, Madelyn?

Madelyn Grayson: We're ready.

Commissioner Mourdock: Okay. I'll say something. Just to clarify, for the record, in that last vote, in the roll call vote, I guess, Commissioner Mosby didn't officially say yes. He was voting yes, Catherine Fanello was voting yes—

President Fanello: Yes.

Commissioner Mourdock: —and I was voting no. I'm sorry.

President Fanello: Thank you for clarifying that for the record.

Commissioner Mourdock: Okay. I know—

Unidentified: (Inaudible. Away from the mike.)

Commissioner Mourdock: Yeah, okay.

President Fanello: Less work for Charlene.

Commissioner Mourdock: That's true. That's a good point. Do we need to do anything else differently?

President Fanello: I don't, did Dennis already walk out there? Charlene, since you're here, do the Commissioners, I guess, we do not need to do anything different? You are okay, and set to go?

Commissioner Mourdock: All the original dates stand.

Suzanne Crouch: Uh-huh.

President Fanello: Okay. Thank you. Next item I would like to bring up under Old Business is the jail project. Our infamous jail project. I had a meeting last week with the consultants. The Sheriff was able to attend that meeting. We received back all of our environmental, our phase two environmental, our geo-tech report, and the site analysis from Bernardin and Lochmueller. As far as we could see, and, Sheriff, you feel free to add anything, if you want, but there was nothing really significant wrong with the property. We are good to go on building the property, if that's the way we want to proceed.

Commissioner Mourdock: Time out. The geo-technical report, certainly, there is nothing out of the ordinary there. In the report from EMC, though, there, and I say this looking at it with my background, in the conclusions it says that they need to verify the potential plume, or ground water spread, for the petroleum that's out there. When I first read the summary, and there was a comment about a, one of the, I think, four water wells having petroleum product on the surface, on the ground water surface, my expectation was that it would be right next to the railroad track. In fact, that one hole is in the very center. I mean, it's almost dead center of the property. The several areas that do show contamination in soils, while not extremely high levels of contamination, they too are at the ends of the property away from the

railroad track, which is where you might have expected it. Let me just read for the record. This will take just a second, their one comment, because I think it is a concern that we need to, at least, talk about. If we opt to go different directions, that's fine, but I do want to make this point. In the section labeled, Findings, Conclusions, and Recommendations, right after they talk about the one elevated level of total petroleum hydrocarbons, or TPH'S, which were identified in one soil sample location at the property as indicated by the chemical analysis. It goes on to say, and I quote:

“The recognized environmental condition identified on the property would have the potential to cause migratory contamination that could affect the environmental integrity of the subject property. However, to determine the horizontal and vertical extent of the ground water contamination, addition—

I think it meant additional—

addition monitoring wells or temporary piezometers will be required to collect samples around the likely contaminant plume. Therefore, should the user of this report require more certainty, or require a determination of the nature and extent of the metals contamination on the property, the performance of a more extensive sub-surface investigation of ground water will be required”

If this, again, were a hole on the very margin of the property, I would not give it a second thought. At another point in this report they talk about how in two of their trenches they severed a four inch fuel line, about five feet below the surface, that they didn't know was there. That makes me wonder, was it that pipeline that was leaking, or what other contamination might be there. I am in no way suggesting that we do a real massive investigation, but when they are making that request, or when they are making that statement in the report that an additional couple wells might be needed, I think we would be short sighted if we didn't heed that request.

President Fanello: Well, and I'll just say that based on the conversations with the two gentleman from EMC, and, Sheriff, please correct me if I'm wrong, you know, it's at our pleasure, if we want to proceed that way, but it was an isolated incident, to them, and it was in one sample. So, I mean, out of how many samples they took, I'm not... I don't have the figure off the top of my head, but, in the meeting it wasn't presented as a do or die concern, I guess.

Commissioner Mourdock: Well, I wasn't at the meeting, but I know what I read in the report. Again, if it were one sample right next to the railroad tracks, I would tend to agree with you very quickly, but the fact that we have one, it is right dead center in the property, no other holes around it, it would have been the last place I would have expected any level of contamination at all, and that was one of the four wells that was the problem.

Brad Ellsworth: I don't know, not having the background you do, Richard, I wish I did, because reading that, it sounded pretty scary at first. Then after meeting with them, some of the things they explained about how things get where they are, I don't think they severed that pipe, I think they just found it, because they said it looked very intact, and that there was no leakage around it. You know, the one thing they said that they could explain that away as much as the tractor having a leak of his fluids out in the field, that it was that small of an amount. They even talked about that they

had found, not on this site, but where a farmer had used WD30, or, you know, SAE30 weight oil to lubricate something, and it changed the entire report, looking like that particular sample had more in it by the lubricant used on the drill bit, or something. So, we asked them, okay, in simplified terms, is this a show stopper, or is this, and they were like, don't worry about it. They are all good numbers, and, I mean, they told us in that meeting there are no numbers here that—

President Fanello: Right.

Brad Ellsworth: —jump out at us, or that scare us, or, so.

President Fanello: I think we both asked that question. I mean, how would you proceed from here. They just said there is nothing to stop us from, you know, proceeding with the project, so.

Brad Ellsworth: What was a little scarier, I guess, to me than the one that was talking about ground water, at a nine foot depth said that some of that soil may have to, when they are excavating out and be dried. Seemed to be—

President Fanello: Yeah, that was in there.

Commissioner Mourdock: Yeah, but, and I agree, that's not a problem. The moisture contents in the soil, the geo-technical report, even the metals that they generally talk about in that report. Even though they are above reporting levels, which is a national standard, isn't of concern to me. What is of concern, and if I hadn't of looked at the map, and they didn't show this on the map, I actually plotted it out on the map, to see how that hole stood in regard to the other sample points. If I hadn't of done that, I wouldn't have been concerned. Because I would have assumed it was over there along the railroad track. But, the several that, as I say, the one that is the most troubling is right dead center in the property, and the other one is at the far northwest corner of the property, which would have been the opposite side from where I would have expected it.

President Fanello: Well, may I suggest this, that maybe you give, is it Tom, what's his, Tom's last name?

Brad Ellsworth: Effinger.

President Fanello: Effinger a call at EMC, and maybe discuss with him. Because we just, we weren't given any kind of bad signals, I guess, because they felt like it was an isolated incident. The Sheriff said it could have been as simple as, you know, spillage from something, so.

Commissioner Mourdock: I understand the comment they would make regarding spillage, but when they have that TPH level in that well, I would respectfully say is not spillage. Spillage can get you funny things. I always recall one 3/4 of a million dollar drilling project we had, because a guy in the middle of the winter wanted to keep his drilling fluid flowing, so he added about two quarts of antifreeze to it. All of a sudden all these holes showed up with zirconium and boron, and all these weird things in them, and it was because of the antifreeze in the water. It didn't have anything to do with the soils. So, that thing can happen, or that type of thing.

President Fanello: Well, maybe give Tom a call. There just wasn't, they did not give us any indication in our meeting that, you know, we needed to do anything differently

at this point. I mean, the thing that they're going to do, they are going to put language in there to protect themselves as an environmental—

Commissioner Mourdock: I understand that full well, but when they use the word required, that's one of those little words, I'm sure in the accounting business you have little words that you use that are meant to wave a flag. When I saw that one, that's, basically what happened, which is why I went to plot the holes, and then I understood why they put that word in there.

President Fanello: Well, why don't you give him a call, because, like I said, we just didn't get that, any kind of indication like that in our meeting, so.

Commissioner Mourdock: Okay.

President Fanello: Maybe if that would make you feel more comfortable, just give Tom a call.

Commissioner Mourdock: Okay.

Madelyn Grayson: Is there a geo-tech report available for the record?

President Fanello: We have, there's three reports, so, I don't know if you need to keep them all on file.

Madelyn Grayson: I can make a copy of them, if I can just have one.

President Fanello: Okay. Okay. There will be one in our office you can get one of those and make copies of it.

Commissioner Mourdock: Is this the only copy of this one that we have?

President Fanello: No, there is two more in the office right now, but I can't remember who those two were for.

Commissioner Mourdock: So, three arrived today then?

President Fanello: Yes.

Commissioner Mourdock: For the phase two?

President Fanello: Right. Four.

Commissioner Mourdock: Four, okay. So, I can hold on to this—

President Fanello: Yes, that's your copy—

Commissioner Mourdock: —and (Inaudible. Talking over each other.)

President Fanello: —and Commissioner Mosby now has his copy, so. Is there any other comments from anybody else?

Roger Madden: Roger Madden, Evansville. If you guys can't pay the insurance for these people, how can we afford to build a jail?

Commissioner Mosby: We really can't, but we have no choice.

President Fanello: Yeah.

Commissioner Mosby: I mean, the federal judge is kind of like you're going to do something, one way or the other. It's either build a jail, or you pay \$35 per day, per prisoner to move them somewhere else. We've already budgeted 50,000 warrants, and we've already went back after 50,000 more. I mean, I guess, we could continue to be non-responsive to the situation, and spend your money, you know, transferring prisoners all over the state of Indiana and Kentucky, and then bringing them back for trial. We really have no choice in building a jail.

President Fanello: It's statutory.

Commissioner Mosby: That's what's going to end up happening. I mean, one way or another we have to find a way to do it.

Roger Madden: Speaking of statutory. 1984 there was a public law that had that little word in there Dick called required. States are required to secure parental involvement. That's another one that's been denied, been ignored for the last, what, 18 years. If you're wondering where the county is going to get any money, if you talk to Marsha Abell, you'll find out if you do enforce the visitation, as I've been requesting for the last 13 years, you guys can come up with an extra \$20 million coming into the county as child support. Which would turn over seven times in the community, which would be equivalent to \$140 million paid in the community. Now, even though you may not have taxes off of that, for the wages, you're going to have it in sales taxes, correct? Which does a little boost to the economy, and you're also going to save on welfare, food stamps, Medicaid. It's been proven over the years it will reduce the amount of crime. So, you may not even need your jail. As far as on the soil contamination, who's liable for the clean up for that if it turns into something other than a few spots? Is that clause being put in the, does the county own that land yet? Or is it still subject to purchase?

President Fanello: Subject to purchase?

Roger Madden: So, is there a liability clause in there for clean up? Whether by owner or by superfund, or whatever, so we the taxpayers don't get stuck with it?

Commissioner Mourdock: If we close on the property. In other words, as Catherine said, it's contingent upon us. The language in there says that if we go out and find something, we can walk away from the deal. If, on the other hand, we find something, and still decide to close, then it's on us.

Roger Madden: We're stuck. Okay, well, I've covered the required and the non-responsive. Tell the guy next time to keep his liquids from freezing, try some rubbing alcohol. It works on diesel fuel.

President Fanello: Well, with all of the reports in, I don't know how we want to proceed on closing the deal on this land. I mean, Richard, I definitely want you to get your questions answered with EMC, but in the meantime while you're doing that, would it be prudent to go ahead and have Kevin, I don't know if there was anything that needs to be done, as far as paperwork, or anything like that.

Commissioner Mourdock: That is a good question. I think, and, Kevin, correct me if I'm wrong, but at some point this board would simply need to say, in a letter to them, give them writing, or give them service in writing that we've reviewed those issues that would be contingent, and that we've ruled them not to be factor, and that we hereby intend to close on such and such a date. With the vote of this board. Is that not (Inaudible).

Kevin Winternheimer: That's right.

President Fanello: I did receive a letter back from CSX today. Actually, it came to the attention of Tammy McKinney, that said they had accepted our agreement. Kevin, have you received a copy of that yet?

Kevin Winternheimer: I don't know. It may be in my mail.

President Fanello: Okay. Okay.

Commissioner Mourdock: That begs the other question too. Is there anything else, beyond the environmental that we need to be looking at right now under the contingency language? Is there anything else by the way of title?

Kevin Winternheimer: Yes. The other thing is we will need to obtain title insurance on the property to make sure that what they are transferring they actually own.

Commissioner Mourdock: I was going to say, I just (Inaudible. Mike not on.)

Kevin Winternheimer: No contract has been awarded yet. John Stoll has had some discussions with a local title company about it, but we, no contract has been awarded yet on that.

President Fanello: Could we possibly, I want to say, at what point in time would we want to do that? I mean, I'm trying to figure out some dates over here, over the next couple of weeks that we can get things going.

Commissioner Mourdock: I think Kevin needs to be working in that direction.

Kevin Winternheimer: Yeah.

President Fanello: Okay.

Commissioner Mourdock: I don't know how easy it is to put a date to that.

Kevin Winternheimer: Generally, that kind of thing doesn't take more than a couple of weeks. So, we can get that process going.

President Fanello: Okay.

Kevin Winternheimer: And report back. I don't anticipate any problems, but until the title company takes a look at it.

Commissioner Mourdock: One other thing I would note, for the record, that I was not expecting to see in both the geo-technical report, and the environmental report is language that effectively gains, and I didn't see an acreage total, but I'm going to guess about four and a half to five acres of the southwest corner of that property as

well. I just want you to understand formally that what that means is you're going to pay \$25,000 an acre for acreage that you will be very, very hard pressed to ever disturb to do anything with. It's not impossible, but usually what happens, if you want to use that acre for something else, under current Army Corp of Engineer (Inaudible) you'll end up mitigating by having to buy as much as five acres elsewhere for each one that you would disturb here. So, if that ever becomes an issue at some point in the future. Kevin, maybe you've got a comment or two, I know the mitigation things take a lot of different forms, but three to one, five to one per acre, I think, (Inaudible. Mike not on.)

Kevin Winternheimer: In my discussions with the architects and engineers, they didn't consider that portion of the property as a problem as far as the design in configuring the parking lot, the building, and any structures on that. So, I think it is essentially a buffer zone, you might call it. So, whatever issues along that line are there, I think, we are not going to be detrimental to it. It may enhance it, or along that line. But, yeah, they are well aware of the situation.

Commissioner Mourdock: I'm just making the point--

Kevin Winternheimer: Yeah.

Commissioner Mourdock: --and I understand they're not looking to use that acreage. In fact, in all their conceptual plans shown in their report, they've done a good job of steering away from it, but we still have to pay them the same amount per acre for that land that we effectively have no use for. Or are barred from using.

President Fanello: Okay, so, Kevin, you're going to check on title insurance, and Commissioner Mourdock is going to get his questions answered. In the letter here they said that they need a copy of the survey. So, we--

Commissioner Mourdock: (Inaudible).

President Fanello: We already--

Kevin Winternheimer: That's already been done. The survey of the property description, that's already been done.

President Fanello: Okay.

Kevin Winternheimer: The engineer's have that--

President Fanello: Okay.

Kevin Winternheimer: --we need to get a hold of them and just have them fax it to them.

President Fanello: Forward it. Okay. Alright.

Commissioner Mourdock: Can you think of anything else other than (Inaudible)--

Kevin Winternheimer: What I might add, and the reason that letter may have been generated, Mark Freeland, the CSX representative in Florida called me, and said that their, again, my term not his, their bureaucracy takes quite a while to prepare a deed. He said, you know, if we decide to cut it off, that's fine, but if we think we're

possibly going to do it, we should get the process started. So, that's probably what generated the letter to get that ball rolling. That ball can always be halted, but to get it rolling, we didn't want to wait until the, some time later, until everything was done, and then tell them go ahead. Because we may be looking at months to get their people to get their act together.

President Fanello: So we can effectively get the process moving here.

Kevin Winternheimer: Right, and it has been, and that's probably why he's saying they need the survey to get the legal description off of, so they can prepare the deed work and all that.

Commissioner Mosby: Is the motion in any longer?

President Fanello: I don't know if we need a motion right now or not.

Kevin Winternheimer: I don't think it's really necessary.

Commissioner Mosby: Do we need a motion? I mean, okay.

President Fanello: I don't think we need one, because all we'll need to do, like he said, send a letter to them or something.

Commissioner Mosby: Okay. I mean, I didn't know if we needed a motion to go ahead and proceed with—

President Fanello: I don't think so, since we really, actually executed the agreement already. We're basically just following up on getting everything in order.

Commissioner Mourdock: (Inaudible. Mike not on.)

President Fanello: Right.

Commissioner Mourdock: (Inaudible. Mike not on.)

President Fanello: Alright, is there any other Old Business. New Business.

Commissioner Mosby: I had some Old Business, but—

President Fanello: Oh, sorry.

Commissioner Mosby: —I was thinking about what he just said. What I had, I was going to ask Kevin, did you check into see what we would have to do in order to do something over at the Centre with Bill Brooks.

Kevin Winternheimer: Right. Yes, I did. I was going to bring it up during my report, as a matter of fact. The Building Authority technically owns the building, and I talked to David Rector about that. It would be up to their board to actually do any renaming, all or part of the building, whatever the case may be. What he suggested is that the Commissioners make a recommendation as to what you want done, and then he would take that to his board to have it approved. Technically, they own and control the building to that extent, but they would gladly listen to whatever recommendations you have to make.

President Fanello: So, did you.... I mean, they have a board meeting tomorrow, did you want to go ahead and make a-

Commissioner Mosby: Right. That was my understanding that they have a board meeting tomorrow, and that we would have to take it to them. What I was going to do was make a motion that we would send this to the Building Authority to look at their meeting tomorrow in naming the exhibition hall for the Centre after Bill Brooks.

Commissioner Mourdock: I will respectfully pass. We had a discussion back when we were doing the Centre as to different naming things, and, I guess, I'm just not comfortable naming the rooms, naming the Centre as a whole, I'm just not a person who likes to put names on things for whatever reason. Again, I remember Mr. Brooks well, and I know he worked hard for the community, but it seems that when we, at least I have some concern that when we start down that road, we'll always get requests to name things, and at some point names come off. I remember the controversy a few years ago when the Evansville Dress Regional Airport just became the Evansville Regional Airport. There were hurt feelings over that. So, with all due respect to Mr. Brooks and his family and friends, and certainly without denegrating in anyway his contributions to the community, I will pass.

President Fanello: Well, I will second your motion. I never had the pleasure of meeting Mr. Brooks, but I understand quite a few of his accomplishments in the community, and I do believe in naming buildings and rooms after people. I think it's a great honor for those who contribute, you know, their services to community service. So, I'll second your motion. I guess, do we need to have somebody in the office type up a letter to send to them? Would that be the best way? Okay. Patty, could you please follow up with that in the morning?

**New Business**

President Fanello: Okay, any other New Business? Seeing none. Department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First I've got a Notice to Bidders for contract number VC-02-12-01, St. Wendel Road Bridge #1930 Replacement. This bridge is one of them that we had budgeted for this year, and the design is about finished, and we would like to get this project out for bid and awarded before the end of the year. So, it's requested the Notice to Bidders be approved and advertised.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: I also have the cover sheet for the plans that needs Commissioners signatures as well.

Commissioner Mourdock: I'll move signing of the plans.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval to have the right-of-way buyers to make offers on several parcels on the Mt. Pleasant Road Project. These are the parcels that were revised when the plans were revised. The parcels are as follows; parcel five, owned by Gourley, the amount is \$910; parcel six, owned by Brown, the offer would be \$5,300; parcel seven, which is owned by Crick, would be \$3,300; parcel eight, Kramer, \$3,900; parcel nine, Matthews, \$15,900; parcel 11, Dillman, \$10,600; parcel 27, Neuell, \$1,200; and parcel 31, Sterchi, \$6,300.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I have a change order on the Heppler Road Bridge Project. This was contract number 02-02-01. This is for a net increase of \$9,644.58. This covers overruns on about a dozen, overruns and underruns, on about a dozen different items. This does close out the project.

Commissioner Mourdock: I'll move acceptance as recommended by the County Engineer.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval to use the Timber Bridge annual bid to replace a structure on Darmstadt Road just north of Englefield. This is a structure that is budgeted for this year, and would like to go ahead and get that moving ahead.

Commissioner Mourdock: How far north of Englefield?

John Stoll: It's just a few hundred feet. It's where the greenhouses are on the east side of the road.

Commissioner Mourdock: Okay, is that in that bad of shape? I didn't know.

John Stoll: Yeah.

Commissioner Mourdock: Okay, I'll move approval of the request.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Last item I got, something that I forgot to bring up last week, but the Burkhardt Road Project is finished up to Lynch Road, and if you haven't had an opportunity to see it, it turned out pretty good.

President Fanello: Yea.

Commissioner Mourdock: Saw it this morning.

President Fanello: Good.

Commissioner Mosby: Drove it the other day.

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

President Fanello: I don't think so.

John Stoll: Thanks.

President Fanello: Thank you, John.

### County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I have a, excuse me, travel request to send two guys to Indianapolis to pick up some crack sealing oil. I would like to send them tomorrow. I apologize for it being late.

Commissioner Mourdock: I'll move we add the travel request to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tammy McKinney: There's already one in the signature file for....Jean faxed it to me, and I put it in the signature file, just so you don't sign two of them. Madelyn can double check it for me though.

President Fanello: Okay.

Dennis Hudnall: You've received my report. Do you have any questions?

President Fanello: I don't.

Commissioner Mosby: I don't.

Commissioner Mourdock: Ready for the snow tonight, and tomorrow morning?

President Fanello: Are we getting snow tonight?

Commissioner Mourdock: Yeah, supposed to.

President Fanello: Oh.

Dennis Hudnall: Have a good evening.

Commissioner Mourdock: You haven't had a good snowfall yet in this position, Dennis.

President Fanello: That's right.

Dennis Hudnall: (Inaudible).

Commissioner Mourdock: You'll look good in grey hair.

President Fanello: Thanks, Dennis.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Yeah, I just have a few items tonight. One is just an announcement. I don't know whether any of you are attending the U of E program on, for local government officials, but they've asked me to speak tomorrow night on open door law and public record. So, if you are, I'll see you there. That should be interesting. I hope it is for the listeners.

Commissioner Mourdock: All of us would like to be there, but we can't.

Kevin Winternheimer: The second item is, some questions were asked about the election voting systems and the state grant. You'd asked do you buy the equipment first, and then do you apply for the grant. The answer is, no. You apply first. The statute is worded in terms of counties that will buy, will lease, or will lease purchase. You apply first, and see if you qualify. If you don't, I assume you're on your own. You may or may not, but it's best to apply first, and then see if you're going to get the money. The deadline for that is, I believe, January 1, 2003. So, that needs to be done. Under certain circumstances, I don't know if you've purchased any equipment, but under certain limited circumstances you may go back to purchase of equipment back to June 30, 2001, under some limited scenarios.

Commissioner Mourdock: But, it's only the request that has to be done by January 1<sup>st</sup>?

Kevin Winternheimer: Yes, you apply. You do not have to buy, you just apply.

Commissioner Mourdock: But, do you have to know, do you have to be far enough into the process that you know what the purchase price is going to be, so you know how much to request?

President Fanello: Right.

Commissioner Mourdock: By January 1<sup>st</sup>?

Kevin Winternheimer: What the purchase price will be.

President Fanello: Because how are we going to, I mean, are we just supposed to put on here, we're looking?

Commissioner Mourdock: Yeah.

President Fanello: We're thinking about it.

Kevin Winternheimer: I don't have the form. I don't, I assume our County Clerk has that.

President Fanello: We might have one in the office. Patty probably has one. So, she could give you a copy, and let you look at it.

Kevin Winternheimer: But, your eligible, I believe, it's up to 50%.

President Fanello: Yeah.

Commissioner Mourdock: Right, and then the feds have come in to tell the states they're actually going to up the difference to 90%, so that the county would only be out 10%, but how those funds have been transferred, when all that will happen will probably be measured in geologic time. That notwithstanding, it would seem to me our best chance at this point is to aim high, and throw a number in the hat—

President Fanello: Uh-huh.

Kevin Winternheimer: Right.

Commissioner Mourdock: —without knowing what we're buying, or what you're going to buy.

President Fanello: Then, I guess, we can go ahead and apply for it, and then if we decide not to get them we can turn down the reimbursement.

Commissioner Mourdock: I wish I could be here to vote for it.

President Fanello: So, I just wanted to make sure we didn't miss an opportunity, if we do proceed with a purchase of voting machines, we don't miss an opportunity to get a reimbursement. Thank you, Kevin.

Kevin Winternheimer: I've got one more item.

President Fanello: Uh-huh.

Kevin Winternheimer: The county's been approached to sell two pieces of property. They've been through the property tax sale twice. This is both properties did not sell. DMD, through the City of Evansville, would like to purchase them. They have offered \$500 each. Those two properties are 39 East Blackford, and 900 Lincoln Avenue. They are currently the subject of two code enforcement matters. Let's see, are they both in court? I think they're both, they've been through the code enforcement process, and now they're in the local housing court. DMD would like to purchase those. If you are so inclined, I've prepared two quit claim deeds transferring those properties to the civil City of Evansville. Again, that was 39 East Blackford, and 900 Lincoln Avenue, for \$500 each.

Commissioner Mourdock: I would move approval of the two quit claim deeds.

Commissioner Mosby: Since we couldn't sell them, I guess, we couldn't negotiate.

Kevin Winternheimer: This will at least allow the county to cover some of your costs.

Commissioner Mosby: I'll second.

President Fanello: So ordered.

Kevin Winterheimer: That's all I have.

President Fanello: Thanks, Kevin.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: Okay, let's see. I've got lots of stuff. I have two surplus requests that need to be added to the Consent Items. One from Rose Zigenfus, and the other from the Election Board, just for computer terminals.

Commissioner Mourdock: I'll move the two surplus items be added to the Consent File.

Tammy McKinney: Also, I have a request...oh, sorry.

Commissioner Mosby: Second.

President Fanello: Go ahead and second.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tammy McKinney: Also I have a request for service from Judge Lloyd. Her phone keeps hanging up during conversation. So, I need that to be added to the Consents.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tammy McKinney: Also in the signature file I have probably 20 or 30 quit claim deeds for properties that did sell in the surplus. We sold roughly around 90 of them. So, I'm doing it—

Commissioner Mourdock: 90?

Tammy McKinney: 90.

President Fanello: Do we have to sign those? Or can they be stamped?

Commissioner Mourdock: I think those could be stamped. Could they not, Kevin?

Kevin Winterheimer: If you're, yes, if you use your stamp as your signature, yes.

Commissioner Mourdock: I would move that the items in tonight's Consent File, that are there for title transfers be signed by rubber stamp.

Madelyn Grayson: The only problem is that I have to notarize those, and I don't think I can notarize a stamped signature.

President Fanello: Ah, thanks, Madelyn.

Tammy McKinney: Yeah, I knew there was a reason why they were in there.

Commissioner Mourdock: I regretfully withdraw the motion.

Commissioner Mosby: I vote you don't notarize them.

Madelyn Grayson: It works for me.

Commissioner Mourdock: That won't work.

Commissioner Mosby: Does that solve the problem?

Tammy McKinney: No, that won't work. I'm not—

President Fanello: I tried.

Commissioner Mourdock: Just joking.

Brad Ellsworth: If I can throw in. Brad Ellsworth. On our Sheriff's sale, and we get stacks of them, they will not let me rubber stamp them. I tried, and it was the County Attorney's opinion that—

Kevin Winterheimer: We might have to look at that again. (Inaudible) You know you can use an "x", if that's what you consider your signature, I don't see why not. I'll look into that.

Tammy McKinney: Then, next, I attended the pre-construction meeting for the roof last week. All of the construction firms that I met with asked that the bid opening be moved to October the 9<sup>th</sup>. I mean, December the 9<sup>th</sup>, instead of the 2<sup>nd</sup>, just because a lot of them weren't going to be in the office this week, given that Thanksgiving....I talked with Will Fosse, this will not delay anything, and we expect to award that bid the next week.

Commissioner Mourdock: Just for the record, you said the pre-construction meeting. You meant the pre-bid meeting.

Tammy McKinney: Pre-bid.

Commissioner Mourdock: I would move till, that the bid be done on December 9<sup>th</sup>, instead of the previously advertised December 2<sup>nd</sup>.

Tammy McKinney: The 2<sup>nd</sup>.

Commissioner Mosby: I'll second that.

President Fanello: So ordered.

Kevin Winterheimer: You'll need to send notice to anybody that picked up specs of attended the meeting, of that change of date.

Commissioner Mourdock: Tammy will look after that, I trust.

Tammy McKinney: I've already gotten with Will Fosse about that.

Kevin Winterheimer: Okay.

Tammy McKinney: I just wanted to make sure it was approved in tonight's meeting. I'll do it tomorrow. That's all I have.

President Fanello: Thank you.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. You have our work report, as well as the report submitted to you by our Day Camp manager regarding her suggestions or recommendations regarding the 2004 rates.

President Fanello: That was given to us a couple of weeks ago. Do you have any comments? Either one of you have any comments on the rates? I can show you mine, if you want to see it.

Commissioner Mosby: I remember looking at it.

Commissioner Mourdock: We did act on the first set of rates for the Discovery Lodge last week, or two weeks ago.

Gary Hohman: Yes, sir, for 2003 they have been established, but due to numerous circumstances, Ms. Moers would like to wait until a later date to determine the 2004 rate structure based on the—

Commissioner Mourdock: For the Day Camp itself.

Gary Hohman: Yes, sir.

Commissioner Mourdock: Catherine and I, not meaning to put words in your mouth, Catherine, but we both read it, and we were kind of confused with part of the text. Can you put in a few, simple words, Gary, where Joyce is with this, as far as what she wants to do with the rate? She's saying that they were, what saying that they were full—

President Fanello: She's saying they were full, and they had to turn people away, yet she said it dropped.

Gary Hohman: It dropped in our science camp area, which is our older age group that attends our camps. The numbers for our Day Camp program were up, but based on the other programs that are being offered within the county, and the fee structure that some of those programs have available, we would like to just more or less have a wait and see type attitude before 2004 rates are established.

President Fanello: So, are you telling me that different age groups....maybe there was more demand in a different age group than—

Gary Hohman: Yes, ma'am. The younger age group, which, basically, do not care, or have as much problem staying, or the older age group, which does not have as much problem staying home unsupervised, those numbers dropped considerably. Your 8, 9, and 10 year old age structure, up to the 12 and 13 year old science camp numbers, did increase considerably.

President Fanello: Okay. I mean, I don't have any problem with the recommendation, as I've seen it, so.

Commissioner Mourdock: But, she's asking that we, that there be some delay to see what happens in 2003, before 2004 rates are set.

Gary Hohman: To see what type of response we get by being in the new—

President Fanello: Okay.

Commissioner Mourdock: Okay.

Gary Hohman: —our new venue.

Commissioner Mourdock: Right. Okay, well, I'll move that we defer, that this board defer setting the rates for 2004 for the Day Camp until, I'm going to set a date here, July 1, 2003. Because by that point, you'll certainly know where you are with all the Day Camp registrations for 2003.

Commissioner Mosby: Second.

President Fanello: So ordered. Are there any other questions? Thanks, Gary.

Commissioner Mosby: Thank you, Gary.

#### **SWCD & Ozone Officer Reports**

President Fanello: Okay, Soil and Water.

Commissioner Mourdock: I think I saw Norma here.

President Fanello: I thought I saw here.

Tammy McKinney: She must have been here for the insurance deal.

Commissioner Mourdock: Ah. That will bring them out. I'll move that the, or that we adopt into the record the Soil and Water Conservation report, and the Ozone Officer's Report.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### **Consent Items**

Commissioner Mourdock: Any other changes to Consents? With the changes already noted, then, I would move acceptance of the Consent File.

Commissioner Mosby: Second.

President Fanello: I have something I highlighted.

Commissioner Mosby: I did have one thing I was going to bring up, and I made this comment last week, about an employment change that had went through, and once again we have another employment change going through out of the Assessor's office this time with somebody's address from Henderson, Kentucky. I would still encourage department heads and office holders to look at people within Vanderburgh County before we start hiring outside the county and the state.

President Fanello: I mean we have 171,000 people in Vanderburgh County. I'm not sure why we need to go to Henderson to find somebody. I'm sure there's people in Vanderburgh County that need a job. So, I don't know if maybe we could defer it , and ask, I mean, maybe the Assessor a question or two but.

Commissioner Mourdock: You can, I suspect the likely question that will come back is are we going to otherwise terminate all the non-Vanderburgh County employees who work for the county or city government in the meantime.

President Fanello: Well, I don't think we need to do that. I'm just saying as we go forward, I mean, wouldn't we want to encourage hiring from Vanderburgh County.

Commissioner Mourdock: And certainly no one is going to argue encouraging hiring from Vanderburgh County. I guess, the question there is simply if we defer this, are we otherwise, to use that popular term, trying to micro manage another elected office's position?

President Fanello: And I...I was going to say, I understand that comment. I don't want to micro manage anybody, but, unfortunately, I have to put my initials on it. There does, I mean, just by the nature of what we do, there is a certain element of micro managing all of the county, because we do set policy and procedure for the county. So, that's just inherent in what we do, but-

Commissioner Mourdock: Yeah, and that's a little akin to the old phrase, I know what I believe, when I believe it.

Commissioner Mosby: I mean, I'll just make my comment. I don't think it's micro managing. Number one, it's not a specialized service, it's Extra Help. I can't believe that, you know, as many people that are here in Vanderburgh County looking for a job, that we couldn't pay somebody \$8 an hour. I mean, if it was some specialized type of service, we would probably be paying a lot more than \$8 an hour, number one. I guess, that's the only thing that bothers me.

Commissioner Mourdock: I put my motion on the floor, and I'm sorry I did it before the conversation started.

President Fanello: That's alright.

Commissioner Mosby: That's my fault. I was-

Commissioner Mourdock: Yeah.

Commissioner Mosby: -not quick enough.

Commissioner Mourdock: So, what is your pleasure here, as the majority. Do you want me to withdraw that motion, so you can act to pull this? Or do we act on the motion that's already on the floor?

Commissioner Mosby: Being as she's probably not going to listen to us anyhow. I'm not sure if we should hold anything up for a week.

Commissioner Mourdock: Okay.

Commissioner Mosby: I guess, with my comments attached, I'll second your motion.

President Fanello: So ordered. We would just send that word of encouragement out that we try to hire people from Vanderburgh County.

Commissioner Mourdock: And that's fully appropriate.

President Fanello: Okay, well, that concludes our—

Commissioner Mourdock: Motion to adjourn.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:32 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

Health Department	SWCD	County Highway
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**Employment Changes:**

County Engineer	Circuit Court	County Clerk
PTABOA	Prosecutor	Center Assessor

**Request for Service:**

Superior Court	County Clerk
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**Sheriff:**

Submit Weekly Jail and Community Corrections Reports.  
Interlocal Agreement with Davies County. (Transportation of Inmates)

**Auditor:**

Professional Services Agreement: Gary Tucker (Internet Support).

**EUTS:** Submission of Surplus Equipment.

**Election Board:** Submission of Surplus Equipment.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Steve Bohleber
Betty Knight-Smith	Phil Hoy	Dennis Woehler

Jacke Crawford  
John Stoll  
Others Unidentified

Roger Madden  
Dennis Hudnall  
Members of Media

Brad Ellsworth  
Gary Hohman

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 2, 2002**

The Vanderburgh County Board of Commissioners met in session this 2<sup>nd</sup> day of December, 2002 at 5:31 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, December 2<sup>nd</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Superintendent, Tammy McKinney; County Attorney, Kevin Winterheimer, Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of November 25, 2002 Commission Minutes**

President Fanello: First item is approval of November 25<sup>th</sup> minutes.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Permission to Advertise APA005-2003: Surface Materials**

President Fanello: Linda is here tonight, Phil Lawrence is not here. I think she has some permission to advertise several bids.

Linda Nalley: Actually it's only one bid—

President Fanello: Oh, award.

Linda Nalley: Yeah. Award several bids, and can I ask, we need your permission to advertise APA005-2003 for surface materials. Advertising dates of 12/12/02, and then December 19<sup>th</sup>, 02, and then open the bids on January 6<sup>th</sup>. I'm sorry, that's wrong. Yeah, it is. That's right. January 6<sup>th</sup>.

Commissioner Mourdock: Of January. I'll move the advertisements as requested.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Deferral of Awards for Cell Phone Contracts &  
Transportation Contract for Division of Family and Children**

President Fanello: The next item she had was awarding the cell phone contract, and, Kevin—

Linda Nalley: We're postponing that for—

President Fanello: We are going to postpone that? Okay.

Kevin Winternheimer: (Inaudible. Mike not on.)

Linda Nalley: —for one week.

President Fanello: Then I believe you wanted to postpone the transportation services for family and children? Is that correct?

Kevin Winternheimer: Yes, I finished putting the contract together, I faxed it over, but Phil's not in today. So, I would like him to look at it, since he put the specs together, to make sure I included everything that needs to be in there.

President Fanello: Okay.

**Award of APA002-2003: Crushed Stone: Mulzer**

Commissioner Mourdock: The others that are on the list are to be awarded as submitted to us? The crushed stone, sand and gravel, gas—

Linda Nalley: Right.

Commissioner Mourdock: Okay.

Linda Nalley: Should I just read them off?

Commissioner Mourdock: That's alright, I can. I'll get it. I'll move that we award bid APA002-2003 for crushed stone.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award of APA003-2003: Sand and Gravel: Mulzer**

Commissioner Mourdock: Okay, and move award of APA003-2003 for sand and gravel.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award of APA004-2003: Gasoline and Fuel Oil Products:  
Petroleum Traders & Posey County Co-Op**

Commissioner Mourdock: And APA004-2003, gasoline and fuel oils.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award of APA006-2003: Oil Products: Busler's**

Commissioner Mourdock: And move approval of APA006-2003, oil products.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award of APA025-2003: Commercial Fueling: Heritage Petroleum**

Commissioner Mourdock: And last but not least, APA025-2003 for commercial fuel.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Linda.

**Gary May: Count Us In  
Evaluation of Handicap Accessibility of Polling Places**

President Fanello: Next item is Gary May. Thank you.

Gary May: Good evening. Back the last time I appeared before the Commissioners in October, you were made aware, actually prior to that, of our plans, Count Us In that is, the project to improve participation by people with disabilities in the voting process. We made you aware of our plan to survey some of the polling places in Vanderburgh County during the general election, which we did on November 5<sup>th</sup>. You also asked me to prepare a report, or give feedback to you about what we found. That's my purpose for being here this evening. This brief report, five pages or so, highlights some of the things that we found. First of all, four of us surveyed 21 precincts in Vanderburgh County. Most of them in the city, if not all of them in the city. The first portion of my report, beginning at the bottom of page five, one rather, shows what we found within the four main categories on the survey. The categories were; voting assistance, that is whether or not people with disabilities would be permitted to bring an assistant to help them vote if they needed it; parking, that included not only having accessible parking, but having the parking located close, and for it to provide an unencumbered pathway to the polling place; ramps and curbs, or curb cuts rather; and interior access. There's a version of the survey instrument that's attached to the back as appendix A of this report. So, in the area of voting assistance we found, indeed, that most polling places indicated that they would allow a person with a disability to bring an assistant. They indicated that if such an assistant was not brought, and if there was a need for assistance, they would certainly provide one of the poll workers to help, which I think is consistent with the law. We didn't find any of the polling places that had brail, or large print, or audio formatted ballots, which is one of the things that we looked for as well. In the area of parking, again, most precincts surveyed, 16 of 21, were relatively compliant

with parking. Some had some difficulties in terms of path of travel from the parking to the polling place. Ramps and curb cuts, again, we found 16 percent, or 16 of the polling places had curb cuts. 17 had barrier free access, or ramps. 19 had wide enough doors, etcetera. In terms of interior access, here too, most of the 21, 19, had clear access and opportunity for movement within the polling place. The first part of the report is, in some ways, misleading in that not all of the 16 or 17 or 19 places that had the items that we checked, not all of them had all of the items. So, we only found six polling places, of the 21, that scored 100%, or didn't have any "no" boxes checked on our survey instrument. The compliant polling places are listed here near the middle of page two. We found six polling places that had at least one access issue. Two that had at least two access problems. Then we found, let's see how many did we find, we found six that had at least four access problems. So, again, the first part just gives the aggregate data. The second part here, under comments, gives a little more useful information as to the difficulty that some polling places pose in terms of people with disabilities getting in to vote in their neighborhood polling place, or precinct. I want to commend the Commissioners, and commend Ms. Abell for having us involved, the Count Us In group involved, both in your discussions about voting this round, and this invitation to come back this evening. Marsha was quite conscientious, she and Carla, about attending our regular meetings, which at times were as frequently as every week. Ms. Abell also invited our group to participate in the voter training that was held over at the Centre on the 29<sup>th</sup> and 30<sup>th</sup>, and we were able to get at least one of our representatives to each of those episodes of training. So, I want to thank everyone who was involved with that effort. So, too do I wish to thank Ms. Abell, principally, for acquiring those magnifying lenses, those flexible lenses that were sent out, at least, to some of the precincts. It turns out that not all of them got them, but she also sent out Voting in Indiana: A Guide for Hoosiers with Disabilities, a brief pamphlet, the pamphlet that we were able to provide for her. We're still concerned about some of these access problems, and look forward to continuing to work with the Commissioners and others to continue to improve. To work toward improving access to voting for people with disabilities. As I've mentioned previously, we don't think that voting absentee, or voting in special accessible places is an acceptable alternative to being able to vote in the precincts, and the neighborhoods where we live. So, we certainly hope to achieve that goal in concert with your effort, and expect that that will happen. There's a new law that was passed, federal law, the Help America Vote Act, that is going to make a difference in elections, in terms of getting rid of the punch card voting mechanisms. I'm not sure what their called exactly. We understand that there will also be money available, even though there isn't any right now, to help counties improve access to voting. We certainly hope, and I suggest in one of my recommendations that the county work now to take advantage of those funds that may become available, and certainly Count Us In will do whatever we can to assist in making sure that we have a plan in place. So, that when that money does become available, we'll already have a head start, in relation to some other counties in being able to use that. In some ways, I think, the experience that we had with the Stringtown Library, and getting that location moved is kind of indicative of part of the problem with access. You will recall that the Election Board recommended that that polling place be changed from the Stringtown Library, and it was moved to Henry Reis school, which was one of the facilities that rated a 100% score. But, I was struck by some of the discussion after our request to the voting, or to the Election Board, and after your decision to move the precinct, that some people said that they had been aware that there was a problem with Stringtown for some time. I was one of two of us who did one of the surveys at the Henry Reis school, and one of the poll workers, when I went in to do the survey, thanked me for my effort to get the polling place moved. She said she had been trying to do that for some time. I thought it was

kind of a shame that it took our effort, our persistence to get that moved, when folks knew that there was a problem. We were not the first ones to mention that. So, that leads to one of our recommendations that's based on an assessment or a conclusion that the leadership in the county, I think, we think, is responsible for setting the tone, and for making it clear to everyone that people with disabilities, just as every other citizen, has a right to vote in their home precinct, and in a manner that is dignified and respectful, and certainly respects their constitutional privilege. So, we have made nine recommendations that we think will help continue to further, what I really believe is a very good process that we have begun. I'm very appreciative, again, of your receptivity, and appreciative of your efforts, so far. First, we think that the county's leaders must insist that all polling places are accessible to all voters. I'm not sure that that message has been clearly and forcefully articulated to polling workers, or poll workers. The county should ensure that new voting equipment affords access to all voters. I know that there had been a demonstration scheduled for this afternoon of voting equipment. Some of us had planned to come, but, unfortunately, that was canceled, for today anyway. We believe that the county should develop and enforce contracts with vendors who provide polling places to include the vendors obligation to provide accessible polling places for all voters. I don't know if such contracts exist or not, but it seemed to be rather haphazard, as far as what polling place providers understood about what their obligation was. Four, the person responsible for polling place access should be held accountable for access for all. I think that's an important component to have a "go to" person, that if there is a problem everybody is clear about who that person is, and what their authority is, and what their responsibility is. Number five, elected officials should ensure that all election workers are told unequivocally that all voters have a right to vote in their neighborhood polling place, and that they are expected to ensure this right. Six, training for poll workers should be improved, with specific attention to the duties and responsibilities of each worker, as well as accommodation requirements and etiquette. One of the things that we're striving to do, Count Us In, is to not only get more people with disabilities to vote, but get more people with disabilities to engage in the election process itself. We were successful in getting one of our members to register as a poll worker. The first time that he had ever worked in one of the polls, and he found that when he got to the polling place, he was pretty unclear about what he was, specifically, that he was supposed to do. I know many people, I encountered many people when I did some of the surveys who had worked elections for a number of years, and they were quite familiar, at least with the routine, if not with the expectations and requirements. So, I think we ought to pay attention to that. Again, we're available. At one of our meetings, with Ms. Abell present, we talked about some of the ideas that we have about, perhaps, developing some video tapes that might be available to poll workers, to help with some of this training improvement. Seven, the county should ensure that polling places are accessible, via accessible, public transportation. Ms. Fanello, as we all know, was able to arrange with Healthsouth to get transportation for some county residents to polling places, but what we would like to see is that attention be paid to ensuring that, to the maximum extent possible, polling places are located on routes that are served by accessible, public transportation. Eight, redistricting decisions should reflect sensitivity to the characteristics of voters, rather than population centers only. That has to do, in part, with the Bradford Pointe apartment. That had been a polling place, and that precinct now votes at Hartke Pool. Many of the residents at Bradford have difficulty traveling out to Hartke. So, we think paying attention to who the voters are is as important as what the numbers are. Finally, election officials should begin addressing the mandates in the Help America Vote Act. This should include instrumental involvement of persons with disabilities in the discussion and decision processes. So, I think what we have here, initially, with the

primary, that we talked to you about some, and especially with the general election last month, I think we have a very good start. I'm hopeful about the opportunity for a continued working relationship with the Commissioners, and the Council, and other people who are involved with voting in Vanderburgh County. Certainly, our interest is to continue our efforts, and to continue to improve access for all voters.

President Fanello: Do either of the Commissioners have any comments?

Commissioner Mourdock: I would just, of your nine points, certainly agree with item six regarding training for the poll workers. Having sat through one of the training sessions, and having been at a polling place where there were two precincts voting in the same area, just the differences between one side of the room, one polling place, and the other, how it was being handled were shocking to me. It made me think, as you were saying, that perhaps we could work with Marsha Abell, and have here send out a survey to those first time poll workers, and find out what they knew when they got there, and what they found out they needed to know, but didn't know when they walked in the door. As we go towards any type of different voting technology, whatever it is, that problem is only going to get worse.

Gary May: I agree. Yeah.

President Fanello: Commissioner Mosby? Okay. Well, thank you, Gary, and I intend to follow up on what we discussed in the previous meetings, and that is setting up a committee with Tammy, and whoever else we need to get involved, and continuing to follow up on this throughout, up until the next primary.

Gary May: Okay.

President Fanello: So, I would like probably a week or so to review your report, and then I would hope that maybe we could set up a meeting before the end of the year, and decide how we're going to proceed in the coming months.

Gary May: That would be great. I look forward to that.

President Fanello: Thank you.

Gary May: Thank you all.

Commissioner Mourdock: You bet.

<b>Community Corrections</b>
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President Fanello: Next item we have is discussion on the community corrections.

Commissioner Mourdock: You skipped voting machine resolution.

President Fanello: That's next.

Commissioner Mourdock: Oh, you're right. I'm sorry.

President Fanello: As you know, back in July, just to kind of recap where we've been with community corrections. Back in July the Sheriff and I went to Wabash Correctional Facility, and met with the DOC officials, and secured approximately \$2 million in funding for community corrections facility here in Vanderburgh County. After that, about July 30<sup>th</sup>, I sent a letter to the Council asking them what their

commitment would be, and kind of following up on our discussion with the DOC officials. After that the Sheriff and I met with three Councilmen; it was Councilman Raben, Councilman Winnecke, and Councilman Hoy, to discuss how to proceed, and they wanted to get some questions answered from the DOC. So, the Sheriff set the meeting up that we went to last Tuesday, I think it was, and in that meeting the DOC reaffirmed what they had told the Sheriff and I, that they were willing to fund up to \$2 million for bricks and mortar for a community corrections facility here in Vanderburgh County. They were very, very positive when we were there. It was a very good meeting. I think everybody got their questions answered. We kind of reaffirmed what had been told to us before. So, they would like for us to send a letter to them. I do have a letter in your packet, if you've read it, kind of stating that we would like for them to hold the \$2 million for us. The plan right now is to let Dr. Latessa come in, which I think he's supposed to be here early 2003, and to give us his recommendations, and to kind of see how we want to set up our community correction, the new facility, and at that point we would proceed, and, hopefully, make this a part of our jail project.

Commissioner Mourdock: Were there anymore aspects of that discussion regarding, oh, let's call it strings, that the state would put on the money. Originally, when they said \$2 million there was a discussion of whether it was a new building, or whether it was remodeling an old building—

President Fanello: There were, and you can confirm this with the other Councilman that were there, and the Sheriff, but there were no strings attached, because we asked that question.

Commissioner Mourdock: I'm sure.

President Fanello: There were no strings attached. Like I said, it was a very positive meeting, and they just wanted to reaffirm their commitment, and all those questions were addressed. We addressed the question about regional, and that was, regional can be what we want it to be, basically.

Commissioner Mourdock: Yeah, that was my next question. Because previously they had said they wanted it to be a regional center—

President Fanello: Uh-huh. Basically, you know, if we want to pick some counties, and have a memorandum of understanding to allow so many...basically, what they are concerned about is the female—

Commissioner Mourdock: Uh-huh.

President Fanello: —residents. So, if we want to allow 25 female beds, maybe we have a memorandum of understanding with a surrounding county to do that, but they're not really placing any restrictions on the regional. They weren't really placing any restrictions on anything.

Commissioner Mourdock: Okay.

President Fanello: They just want to see us proceed, because, you know, they are very pleased with the way we do do things down here, and want to see us succeed, and they are hoping this \$2 million can help do that.

Commissioner Mourdock: Was the \$2 million suggested as a match, or is that just outright–

President Fanello: Outright \$2 million.

Commissioner Mourdock: Okay.

President Fanello: So, whatever, so, last week in the Council they did, you know, ask that we, if it's our wish, and I believe it will be this boards wish, that we go ahead and get some cost figures from our design team. Kind of get some cost estimates on a correctional facility, which we already have preliminary cost estimates from our previous discussions, but maybe getting a couple of scenarios from them. Because we may not be looking at a 300 bed facility. We're probably looking at less than 300 beds.

Commissioner Mourdock: Yeah, before you go that step, it would seem logical that Dr. Latessa's study–

President Fanello: Right.

Commissioner Mourdock: –come back to you.

President Fanello: Right.

Commissioner Mourdock: Okay.

President Fanello: So, at that point we can continue to get, you know, cost estimate information. So, if no one else has any questions or comments.

Commissioner Mosby: I'll make a motion we send the letter.

Commissioner Mourdock: Second.

President Fanello: So ordered.

### **Voting Machine Resolution**

President Fanello: The next item I have is the voting machine resolution. Just, basically, a one paragraph resolution, because we do need to get the application in before the end of the year. As Kevin reported, I believe last week, we don't have to have anything in place. We can just go ahead and send the application in, just in case we are going to buy new voting machines. What I've asked for in this document is that the clerk go ahead and be authorized to apply, or fill out the form, and then she would present the document to this board for approval before we send it up to the state. Just so we know what we're sending up there.

Commissioner Mourdock: So, we're sending this to the Clerk, she'll draft up something, and then we sign it, and then send it back to the state before the first of the year?

President Fanello: Yes.

Commissioner Mourdock: Okay. Do you want to read that?

President Fanello:

“Be it resolved by the Board of Commissioners of Vanderburgh County: Marsha Abell, Vanderburgh County Clerk of the Circuit Court, is authorized to apply on behalf of this county for voting system reimbursement funds under IC3-11-6.5-3. The Clerk will first present the document to the County Attorney and the Board of Commissioners for approval before submitting it to the State of Indiana.”

Commissioner Mourdock: I'll move adoptance of the resolution as read.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Before we leave that topic, and with Gary still present, and, obviously interested, Tammy and I had a brief conversation today regarding the bill the President signed just the other day, that also allows for more federal money to come in as part of the Helping America to Vote issue. Part of that is to put \$50 million out this coming year, in 2003, with \$40 million each of the two following years. Part of that, in fact, is money mandated to be used to have one handicap accessible voting machine at every polling place in the nation. There are monies specifically dedicated for that purpose. So, I don't know how that will come in to this Commission's subsequent discussions as you look down the road toward the machines, but, at least, I wanted to say that that's one option that we have out there for that type of machine, and that funding.

President Fanello: Okay.

### **Handicap Transportation**

President Fanello: Next item is handicap transportation. Just to kind of give the board an update on where we are. Kevin and I met with AMR, specifically, Jerry Key, to go over the bid, which we took back in the summer. He does not believe that he can negotiate a contract with us, just because of the cost involved. He actually is going to have a higher cost than what he bid, so he does not think he can negotiate. We then set up a meeting with Tri-State, which was ASAP before, I believe. Tammy was in attendance, and Kevin was in attendance at that meeting, and they would like to negotiate a new contract with us. Right now they are not taking wheelchair persons. They are doing handicap transportation, but it doesn't include wheelchair, but their cost is higher than what we currently budget, or what we budgeted for in 2003. I think we budgeted \$75,000, which was the same as what we budgeted this year, but Tri-State Transportation would like to buy new vehicles specifically for this contract. Specifically, they just said they would like to provide new wheelchair accessible vans dedicated to the deliverance of this service. So, their cost, per the bid, is \$165,600. They actually had two bids. A cost per trip, and a cost per hour. The cost per trip was \$155,730. That was based on 895 trips, which was the average quoted in the RFP. What I would like to update the board is that I can't really negotiate a contract with them right now. I mean, we can go ahead and get it in it's form, and negotiate something with them, but we can't sign it until, basically, we go back to the Council in January and ask for more money to cover the contract. If that's the will of this board.

Commissioner Mourdock: If they are looking to buy the vehicles, that says to me they are looking to amortize it out over an extended period of time.

President Fanello: Right.

Commissioner Mourdock: What type of length of contract are they looking for? Or do we know at this point?

President Fanello: That I don't know at this point, because I did not...I wanted to see how the board felt first, before we proceeded too far, because this is a lot more than what we had budgeted for next year.

Commissioner Mourdock: Yeah, and I'm not suggesting that we give a second bite at the apple here to AMR, but were...did AMR look at this in something like the cost that Tri-State just provided? Or have we, basically, just opened it up to a lot higher cost that might, in fact, cause AMR to want a part of the business, or want all of the business?

President Fanello: Well, and Kevin may, if he can remember from our meeting, but, basically, AMR was pretty adamant about not accepting anything less than, I think, they wanted four, they wanted to purchase four vehicles, and they wanted to amortize them, and they did want a longer contract. Let me go back here, and, I believe, a five year contract.

Commissioner Mourdock: But, was that five year contract something similar to the price—

President Fanello: It was at \$266,000.

Commissioner Mourdock: Okay, so they were still higher.

President Fanello: They were still higher than Tri-State.

Commissioner Mourdock: Okay, well, I would move, then, that the board direct the County Attorney to continue to have discussions with Tri-State to see if a final form can be worked out that might be approved with Council's funding after January 1, 2003.

Commissioner Mosby: Second.

President Fanello: So ordered. And we'll continue to work on that.

<p><b>Will Fosse: Contract for Specifications for Remodeling of the Old Courthouse Bathrooms</b></p>
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President Fanello: Okay, next item is Will Fosse, contracts for specifications for remodeling of the Old Courthouse bathrooms. Is that in everyone's packet?

Commissioner Mourdock: I don't have it.

Tammy McKinney: (Inaudible. Mike not on.)

Commissioner Mourdock: Will Fosse.

President Fanello: Is that in everyone's packets?

Tammy McKinney: I spoke with Will, I guess it was Tuesday about the insurance concern, and he does have a certificate that we will attach to it, but I was gone on Wednesday, and then with the holidays, and I hadn't got that.

President Fanello: Okay, but I haven't seen any of the contract yet, but, basically, to kind of explain what's going on here, Tammy has transferred, Tammy had some extra money in her Utility Account, under her budget. We could possibly get the basement bathrooms, first floor bathrooms redone—

Tammy McKinney: Right, and make them ADA.

President Fanello: Right. I believe she ended up transferring 50 some thousand dollars—

Tammy McKinney: Right around \$55,000.

President Fanello: Okay. So, upon approval, Council will meet and approve that, hopefully, approve that on Wednesday. Then we could proceed. What she would like to do is contract with Will Fosse to write those specifications, and I believe, we do not need to do it in a bidding situation, but we can do it in a quote situation, since it's under \$75,000. Is that correct?

Tammy McKinney: Correct.

Commissioner Mourdock: At this point, it's just a matter of putting the document together, and the contract specs to allow Will to do that?

Tammy McKinney: Right.

Commissioner Mourdock: Okay. I would move then that Superintendent of Buildings and the County Attorney meet with Mr. Fosse to work out contract specs for the remodeling of the lower floor bathrooms at the Old Courthouse.

Commissioner Mosby: I will second that.

President Fanello: So ordered. So, hopefully, we will see our transfer approved on Wednesday, and we can move forward.

Unidentified: (Inaudible. Not at mike.)

President Fanello: We're working on that.

Unidentified: (Inaudible. Not at mike.)

President Fanello: That's why we're doing the bottom bathrooms first. Bottom floor.

Unidentified: (Inaudible. Not at mike.)

President Fanello: We discussed that with Will.

Tammy McKinney: Next Monday we'll open the bids for the roof, and then construction for the roof will, hopefully, start in March, after the winter weather.

**Old Courthouse Craft Show Contracts**

President Fanello: Next item is Vicki Bohleber, Old Courthouse craft show contract. I believe Kevin's got that.

Kevin Winternheimer: Yes, I have two contracts, I was given by Mr. Bohleber today. One is the spring craft show 2003, and one is the fall craft show 2003. They added, and they are signed by the renter. They added the two provisions, they added the insurance provision, and they also added provision for overtime for county maintenance people, with a cap of \$500. I have those contracts, and I've reviewed them, and they are fine with me. There are multiple copies. They would like a copy back.

Commissioner Mosby: With the two changes, I would make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Board Appointments**

President Fanello: Next item is some board appointments. The first one that I would like to take care of is the Domestic and Sexual Violence Commission. They have three recommendations. Two of them are continuing board members, and that's Lori Bryant, Kristi Baker, and the next recommendation is Sue Hartig. So, those are the recommendations I'm bringing to the board.

Commissioner Mosby: I'll make a motion we accept.

Commissioner Mourdock: Second.

President Fanello: So ordered. They wanted to get those done, because they need it done before their December 18<sup>th</sup> meeting. The Old Courthouse Advisory Board, I don't know if anyone's had a chance to work on that, but I'm still waiting for somebody to return my phone call. So, I don't-

Commissioner Mosby: I've got two phone calls out, but not heard from either one.  
President Fanello: Okay, because we still have three appointments on there. So, we'll put this back on for next week.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board?

Roger Madden: Roger Madden, Fathers United. How much money are we getting from the federal ADA from the state? Anybody have any idea? Anybody know what's available, etcetera, etcetera?

President Fanello: (Inaudible. Mike not on.) to the voting machine?

Roger Madden: No, just in general, because I was talking to the lady who was on the governors commission, she was appointed, and she said that the reason there was so little done with ADA over the last ten years was because Governor Bayh wouldn't match the federal funds with the state funds. So, there again, our federal money is going to waste, and people suffer.

President Fanello: I don't know. I don't have any control over the federal money.

Roger Madden: Just something to check on.

President Fanello: Alright. Thank you.

**Old Business**

President Fanello: Old Business. Is there any Old Business to bring up before the board? Seeing none.

**New Business**

President Fanello: New Business. I do have a piece of New Business. It has to do with our health insurance, our favorite topic. A couple of scenarios that we need to address as a board. Kevin has checked into a couple of them today. First one being spouses of retirees, and the second one being magistrates. Currently we allow the judges, I believe, to take the county's plan, but there never has been a magistrate, I guess, that has wanted to take the county's health insurance plan. But, now that the state costs of health insurance have gone up, there are some magistrates who are interested in taking the county's insurance plan. So, we didn't know if we needed to go ahead and formally let them do that. If there's—

Commissioner Mourdock: I guess, my knee jerk reaction is, they are county employees, just like any other county employee, they've always had the option. If they've not chosen the option, that's fine, but now that they've chosen it, it seems to me everything's—

President Fanello: Well, I think the question came up because they are actually, technically—

Commissioner Mourdock: State employees.

President Fanello: Right, and Kevin, and which, to be honest with you, I don't have a problem with it, because I feel like they do work for Vanderburgh County, so.

Commissioner Mosby: I don't, I mean, I talked to one judge, and it's like he said, they work solely for Vanderburgh County. So, you know—

Commissioner Mourdock: Yeah, I misspoke a moment ago, because I was thinking they are county employees, but that's right, they are state employees. Are the judges state employees as well?

President Fanello: Right.

Commissioner Mosby: Yes.

Commissioner Mourdock: And have the judges been on county insurance?

President Fanello: Right.

Commissioner Mosby: Yes.

President Fanello: They have.

Commissioner Mourdock: Oh.

President Fanello: If all of them are, I do not know, but I know there are several that are on.

Commissioner Mosby: I know the one—

President Fanello: I don't know if all of them are, but I know there are some.

Commissioner Mosby: —judge, the one judge I talked to is on county insurance.

Commissioner Mosby: Sure.

President Fanello: Sure.

Dennis Woehler: Dennis Woehler, ONB Insurance. We had this issue come up last spring with the judges, and, basically, and it's immaterial to me who you put on the plan, and who you don't, but the wording of your ordinance would probably need to be—

Commissioner Mourdock: Changed.

Dennis Woehler: —changed. Simply because your ordinance, your ordinance right now says full time employees and elected officials of Vanderburgh County. Okay? We circumvented the issue with the judges because they are elected officials. Okay? As I said, I don't have a problem with the magistrates, but I just want everything to be kosher, if it's done.

President Fanello: Kevin checked into that.

Kevin Winternheimer: Actually, yes. The ordinance does say that group health insurance is provided for elected officials and full time county employees. However, I don't think that's necessarily exclusive. It goes on to talk about the plan, and, basically, that the coverage you get is as per the plan. So, in my opinion, that to add a category, if you want to call it that, of persons, all you need to do is change a plan. You don't, technically, have to change the ordinance. We might look at the ordinance, and it might need some other work with it, but, actually, you have the ordinance established as a plan, and the plan you can change by your motions, and add to, subtract from, whatever you want to do. So, technically, we don't need, at this point, if you want to add another category, or benefit, or whatever, but, I think, that makes a lot of sense, because as policy, you wouldn't want your whole plan to be in an ordinance, because every time you made a change in your plan, you would have to go back and redo the ordinance. So, you just, the plan is what you say it is. So, whatever you want to do. You make that decision.

Commissioner Mosby: So, you're saying we can make a motion—

Kevin Winternheimer: Right.

Commissioner Mosby: –to accept the magistrates.

Kevin Winternheimer: Right, and I believe there was, I believe it's still there that there is a statute out there that says that you may supplement the salaries of your, or compensation, I think is the word that they use, of your judges and judicial people. So, if you want to look at it in that category, I think you could, by providing insurance, or providing, if that be your prerogative.

Commissioner Mourdock: Are there any other groups out there like that would find a way to our doorstep, if we do this? That would currently be state employees who have some quasi-official duties with the county that would show up, that otherwise we're not expecting?

President Fanello: I can't think of any.

Kevin Winternheimer: I can't think of any off the top of my head.

Suzanne Crouch: (Inaudible. Mike not on.)

Kevin Winternheimer: I'm sorry?

Suzanne Crouch: Well, you currently have Trustees–

President Fanello: Uh-huh.

Kevin Winternheimer: Right.

Suzanne Crouch: –employees, and volunteer fire department employees.

President Fanello: I think, what do we have? Scott Township is the one that we have on there?

Suzanne Crouch: Uh-huh.

President Fanello: And we've allowed them to be on there. Or in the past they have allowed them to be on there. I wasn't here when that decision was made.

Commissioner Mourdock: And are all of the Township Trustees on the policy? Or most of them?

President Fanello: I believe most of them are.

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mosby: Yeah.

Suzanne Crouch: They have the option.

Commissioner Mourdock: Okay.

President Fanello: The other group, we may want to handle this in one motion, but the other group is spouses...we have a situation where a spouse may reach 65 before the other spouse reaches 65, and they are thrown off the insurance, because of, you know, reaching 65, and then they go on Medicare. The retiree, I'm sorry.

Spouses of retirees. So, I think we need to, and I don't know if that would also fall in the same, just changing the plan to let the spouses of retirees continue their insurance after the retiree reaches 65.

Kevin Winterheimer: Right. That would be another change of the plan, and you could do it by motion, if that's your desire.

Commissioner Mourdock: Well, let's separate the two for the purposes of the motion.

President Fanello: Okay.

Commissioner Mosby: Yeah, I was going to say, I would want to separate the two too.

Commissioner Mourdock: Yeah. Given what I understand to be our past history, I would move, specifically, that magistrates working within the Vanderburgh County courts system be allowed access to the county's health plan.

Commissioner Mosby: I would second that.

President Fanello: And I'll say so ordered.

Commissioner Mourdock: Okay. Now, repeat what we have again. We have employees who are—

President Fanello: For example, we have a retiree who reaches age 65, but his wife—

Commissioner Mourdock: But his wife is 60.

President Fanello: Yes.

Commissioner Mourdock: As soon as he reaches 65—

President Fanello: He's on Medicare.

Commissioner Mourdock: —he goes off to Medicare, and his wife is therefore taken off.

President Fanello: Right.

Commissioner Mosby: And she gets kicked off the insurance.

Commissioner Mourdock: Uh-huh.

Suzanne Crouch: But then you might want to also consider dependent children, because that could drive your cost for a long time. If you allow the spouse to be on, then what about dependent children?

President Fanello: That's right.

Suzanne Crouch: I think there is this instance where the dependants are fairly young.

Commissioner Mourdock: Are you saying, Suzanne, that people who are 65, going off for that reason, have children young enough to still be dependants? That we have some cases—

President Fanello: Well, they have younger wives.

Commissioner Mourdock: We do have some of them?

Suzanne Crouch: Yes.

Commissioner Mosby: I'll give you my thought. My thought is that we let the employee who reaches age 65 continue to carry the insurance, and I'll add dependent children to that, but they carry it at 100% of our cost. I mean, if they want to keep the insurance after age 65, they can, but it's at 100% of our cost.

Commissioner Mourdock: So, it's in effect a—

Suzanne Crouch: COBRA.

Commissioner Mourdock: COBRA type payment.

Commissioner Mosby: Exactly.

Commissioner Mourdock: Yeah.

Kevin Winterheimer: I believe—

Commissioner Mosby: I think right now COBRA allows what, 18 months?

President Fanello: Uh-huh.

Dennis Woehler: Three years.

Commissioner Mosby: Three years.

Dennis Woehler: Three years in the case of a beneficiary.

Commissioner Mosby: Right.

Dennis Woehler: Which, in this case, that's what it would be considered. It is the opinion of Anthem, right now, that the, according to the state mandate, they are not obligated to provide insurance, other than COBRA, beyond the employee reaching age 65, simply because these are people who are not, or never have been employees of Vanderburgh County. I have asked for an exception to that, and they have taken it to underwriting. I'm hoping to have an answer on it in the morning.

Commissioner Mourdock: A specific exception for the issue we were just talking about?

Dennis Woehler: For the issue that we just talked about. So, that in the event you decide that you would like to see that happen, then I should know in the morning whether or not legally we can do it.

Commissioner Mourdock: Well, this has enough ramifications to it, rather than just doing it on a motion, I think we all need to see something written in front of us to know exactly how it's going to be implemented. So, with the understanding that you're going to be getting something back, if you could put in front of us next week, or the following week, what they would accept, then we have something to accept or reject.

Dennis Woehler: The state mandate says until age 65. Until the employee reaches age 65. That's what their opinion is going off of, okay? I don't know that they would have a problem with redesigning, you know, with this exception.

Commissioner Mourdock: Let me say it the other way, would we be better off to make the case by drafting language, essentially that David just gave, and submitting it to you to pass on to them to say yea or nay to?

Dennis Woehler: Yes. That would be very, very helpful.

Commissioner Mourdock: Okay. Why don't we do that.

Commissioner Mosby: When you say the state mandate, I mean, the state mandate is talking about the retiree, or is the state mandate—

Dennis Woehler: Right.

Commissioner Mosby: —addressing the retiree and the spouse?

Dennis Woehler: The mandate said, that came down in '94, whenever it was, and said that municipal employees would be allowed to carry their insurance beyond retirement age, to age 65. Okay? Which is your 20 and 55, and your 20 and 50 for Sheriffs. That they would be allowed to carry that insurance. There is no provision in that mandate for how the municipalities fund it. Okay? All it says is until the employee reaches age 65, okay? Vanderburgh County then passed an ordinance, I guess it's an ordinance—

President Fanello: It was.

Dennis Woehler: —or whatever you call that, a resolution to, that they would carry their insurance at the same percentage—

President Fanello: For the retiree.

Dennis Woehler: —until age 65.

Commissioner Mosby: Did the state mandate address the retiree's spouse?

Dennis Woehler: No.

Commissioner Mosby: It doesn't address it anyway?

Dennis Woehler: No.

Commissioner Mourdock: Let me try this. I would move that this board draft a letter that presents the idea of a COBRA type extension of benefits for dependents and

spouses of those reaching the age of 65, so that Mr. Woehler can pass it on for acceptance by our carrier.

Commissioner Mosby: And those retirees—

Commissioner Mourdock: Right.

Commissioner Mosby: —reaching, are you going to add, are you going to add anything about who pays—

Commissioner Mourdock: Well, I said COBRA type, so that means they would pay for it.

Commissioner Mosby: Okay. Okay.

Commissioner Mourdock: So, that's it.

Commissioner Mosby: I will second that.

President Fanello: So ordered.

Commissioner Mourdock: And, Tammy, do you want to draft up, or, Patty, one of you want to draft up that kind of language, and we can look at it next week, and we'll go from there.

Commissioner Mosby: My other question is, do we have time if some, now, say for instance this is accepted, when does enrollment close?

Dennis Woehler: We are in a time crunch.

Commissioner Mosby: That's what I thought.

Dennis Woehler: Open enrollment ended last Wednesday. We've, I've asked Charlene to hold up her paperwork to the companies until the decision was made tonight, but that means she's not going to get word until tomorrow anyway. If I can get something in the morning for them to fax to their underwriter for an opinion on, that's really all we need.

President Fanello: Okay.

Commissioner Mourdock: Okay.

Dennis Woehler: Okay?

Commissioner Mosby: I guess, my other question is, if the company accepts this, are we saying that we agree then?

Commissioner Mourdock: I would be accepting of it with, as you described it, that COBRA type benefit. As long as they're going to pay for that coverage, I think it's basically a neutral thing for us, then I can see where there are those reasons that it ought to be there.

Commissioner Mosby: That's my thought.

Commissioner Mourdock: Yeah.

Commissioner Mosby: I mean, I don't have a problem with the employee, and then once the employee reaches 65.

Dennis Woehler: Suzanne brought up a very good point here as well, that that's going to apply to, is that going to apply to dependents, as well as spouses?

Commissioner Mourdock: I would say it is, as long as, again, it's that COBRA type benefit. If there's two of them, then it's the double rate for the COBRA, then so be it.

Dennis Woehler: Because it would not be uncommon these days for someone 65 to have a 17, 18 year old who's going to be in college for the next four or six years. That would have to be considered as well.

Commissioner Mourdock: Okay, but—

Dennis Woehler: Whether they have a spouse or not.

Commissioner Mourdock: You are our expert. You tell us. Are we thinking of it wrong? If that employee is willing to commit to that type of COBRA payment—

Dennis Woehler: Then I would say it would have to all be the same. Dependent status is dependent status, whether it's a spouse or a child. That would be my opinion.

Commissioner Mourdock: But, whether there is one or two or three spouses/dependents, not that there would be—

President Fanello: I was going to say—

Commissioner Mourdock: —I wouldn't hope there would be more than one spouse.

President Fanello: —we don't live in Utah.

Commissioner Mourdock: But, that simply established a different COBRA rate, correct?

Dennis Woehler: Yes.

Suzanne Crouch: Have other municipalities done this?

President Fanello: We didn't really have time to check around today of other municipalities with the time crunch that we're in.

Dennis Woehler: I'm not aware of any others, but I haven't really investigated it. There is one other issue here, and this may require a simple change in the wording of the way the document is right now, and that is the way it's worded right now where retirees can carry their insurance as like they were employees, unless they work full time, and are eligible for other group insurance, or Medicare, according to the way it reads. Well, that is an issue for someone under age 65 who is disabled, and we have a specific case of it right now. A 56 year old fella who is disabled and on Medicare. Will he be allowed to carry his family? Now, Anthem does not have a problem with that, because he is the employee, and therefore he would just,

Medicare would become primary, and they would become secondary, in his case. They don't have a problem, and can continue his insurance, but, the way the wording is, because he is eligible for Medicare, he's not eligible for your insurance. I think that would be a real hardship.

President Fanello: Uh-huh. So, you're saying we may need to change the wording to allow that situation to happen?

Dennis Woehler: In this, yes.

President Fanello: Okay.

Commissioner Mosby: I guess, how do you do this one?

President Fanello: This one would actually have to, I think, would be an ordinance change, wouldn't it, Kevin?

Commissioner Mosby: Could the employee still be on Medicare, and then covered, I guess, carry the insurance dependents for the—

Dennis Woehler: He can still, he can still carry his, because he, because he is retired, okay?

Commissioner Mosby: Right. He is the retiree, so.

Dennis Woehler: He is the retiree. He is the employee. So, they don't have a problem with him continuing his insurance on a family plan, just like it would have been anyway. He's 56 years old.

Commissioner Mosby: My thought would be, then that retiree, who's 56, could carry his family up to age 65, and he would fall under the 92/8.

Dennis Woehler: Sure. Yeah, the only thing—

Commissioner Mosby: Now, once he reaches 65, then if he wanted to carry his spouse and dependent, it would go back to the COBRA that we just—

Dennis Woehler: Sure.

Commissioner Mosby: —voted on. But, yeah, I mean, I would agree with that, but he could carry his family too.

Dennis Woehler: Then, you know, I'm only recommending in the wording, because I've been asked the question before these folks can enroll, I've been asked to get this clarified. In the wording where it says eligible for other group insurance or Medicare, all it would have to say is something like, you know, except in the event of permanent disability. Something of that nature, before age 65, or something of that nature. Just, if you're okay on it, we'll get him signed up by tomorrow. That's really all I'm concerned with right now. The wording you can change at your leisure.

Commissioner Mosby: I would ask Kevin then to look at that, and something to do with paying the disability.

Kevin Winterheimer: Again, the way the ordinance is currently, read it, it's this would apply, I think, in this case, eligible employees who want to maintain the benefit must meet all eligibility requirements, and complete an application to participate in the plan. I think, if you set the plan, what the plan involves, you include this group of people, then you've accomplished your task, so.

Commissioner Mourdock: I guess, my only concern, and I think we're saying as a board, with that one instance, it's okay to go forward, but I've been around here long enough that we can all agree on what we mean, and then once it starts to be reduced to writing, all of a sudden there's, well, does it mean this, or does it mean that? It brings in a lot of issues we haven't talked about. So, all these things need to be reduced to writing in some way to really generate the right thoughts and questions. So, again, with that one instance out there, sounds like you've got the green light, but the bigger issue is to make sure that we get this other language in place that allows for that COBRA type of treatment.

Commissioner Mosby: And I would agree with that. I mean, I don't want this to be an open-

Commissioner Mourdock: Yeah, yeah.

President Fanello: Thank you.

Commissioner Mosby: But, with the one instance we agree, so-

President Fanello: Will you be around tomorrow morning if Patty gets this drafted, and can e-mail it to you possibly?

Commissioner Mourdock: I'll be going to Indianapolis.

President Fanello: Oh, that's right. We all will, I guess.

Commissioner Mourdock: Give me a call, and at least we can talk about it, yeah.

Dennis Woehler: As a matter of fact, if you would e-mail me, it would be-

Patty White: Yeah.

President Fanello: Okay.

Commissioner Mourdock: Okay.

President Fanello: Thank you, Dennis.

Commissioner Mourdock: Whenever Dennis says I've got just one other thing, you know it's got something (Inaudible).

Commissioner Mosby: You haven't got anymore, right?

President Fanello: That's good.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

**(Tape Changed)**

President Fanello: Is there any other New Business? Seeing none, department head reports, County Engineer.

<b>County Engineer</b>
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John Stoll: The only item I have is a request for acceptance of 103 linear feet of Metro Avenue in Metro Center Subdivision, Section Seven. This street was constructed according to plan, and it's requested this be accepted for county maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's all I have.

Commissioner Mourdock: John, have you heard anything more from the folks, the gentleman that was in here a couple of weeks ago, and wanted us to accept a part of a street?

John Stoll: No, I have not.

Commissioner Mourdock: I can't think of his name.

John Stoll: Indy Court.

Commissioner Mourdock: Husk.

John Stoll: Kip Husk.

Commissioner Mourdock: Yeah.

John Stoll: No, I haven't.

Commissioner Mourdock: Okay.

John Stoll: I don't know what option he wants to pursue at this time.

Commissioner Mourdock: Okay, and have you done anything yet, I spoke last week about the Oakhill-Bergdolt-

John Stoll: Oakhill-Bergdolt.

Commissioner Mourdock: Yeah.

John Stoll: I have not contacted EUTS, but I'll get you an answer, and send you an e-mail.

Commissioner Mourdock: Okay.

John Stoll: If I remember right, like we talked, I had asked for the traffic study. It's been several weeks ago, but I don't remember the specifics, but I'll get you an answer.

Commissioner Mourdock: Okay.

President Fanello: Thanks, John.

**County Highway**

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all, this is the time of year where we review our requirements for maintenance on our vehicles. We have, we've been reviewing our paver, and we received some cost estimates, we received these cost estimates, and it is a sole source cost estimate. The reason behind that is these parts are kind of difficult to get, and the people that handle these parts sell in certain areas, they have certain sales areas. At this time of the year they give us a pretty good discount if we order during the off season. So, on page four I have highlighted there the savings of \$2,000 on \$8,000. The total bill is \$8,600 to repair the paver for next season.

Commissioner Mosby: I'm glad we've only got one of these.

President Fanello: And you have that money in your budget right now?

Dennis Hudnall: Yes, ma'am.

President Fanello: Okay.

Commissioner Mourdock: Motion to go ahead and acquire the parts.

Commissioner Mosby: Second.

President Fanello: So ordered.

Dennis Hudnall: Thank you. The only other thing, you have my report, do you have any questions?

President Fanello: I don't. Thank you, Dennis.

Commissioner Mosby: Thank you, Dennis.

**County Attorney**

President Fanello: County Attorney.

Kevin Winterheimer: Yes, I have nothing tonight for you, and, unfortunately, I do not have the report that I said I would have from two weeks ago. Last week, not thinking it was a three day week, and trying to do a week's worth of work in three days, but I should have that to you by next meeting. That was on that Barrett Law for that subdivision on the west side. I should have that next Monday.

President Fanello: Thank you, Kevin.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have two late travel requests that need to be added to the Consent File. Also, a Soil and Water report that was faxed over that didn't make it into the packets. And then—

Commissioner Mourdock: I think I'll move approval of the late travel requests, since one is mine, and the other is Dave's.

President Fanello: I think I'll, I think I'll deny that one.

Commissioner Mourdock: Just for the record, I haven't determined yet whether I'm going to stay up there tomorrow night for that Commission meeting or not, but I will be going.

President Fanello: Okay.

Tammy McKinney: In the signature file there are 19 quit claim deeds for surplus properties, so. You only have 19 this week.

Commissioner Mourdock: Okay.

Commissioner Mosby: I second his motion.

President Fanello: I said so ordered.

Commissioner Mosby: Oh, okay.

President Fanello: Reluctantly. No.

**Burdette Park**

President Fanello: Next item, Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I would like to see if I could reschedule for an Executive Session. It's over personnel matters.

President Fanello: Okay, next week we have Solid Waste.

Commissioner Mosby: Can it wait until next week, or do we need a special meeting?

Steve Craig: What's today, the 2<sup>nd</sup>? It has to be done before the 10<sup>th</sup>.

Commissioner Mourdock: We can do it the 9<sup>th</sup> then, how about 4:00 on December 9<sup>th</sup>? A week from today. Does that work for you, Steve?

Steve Craig: Yeah.

Commissioner Mosby: I mean, December 9<sup>th</sup>, he said before the 10<sup>th</sup>.

Steve Craig: Yeah.

Commissioner Mosby: I'll second that.

Steve Craig: 4:00 next Monday.

President Fanello: So ordered.

Steve Craig: The only other thing I have is my reports.

President Fanello: Anybody have any questions? Thank you, Steve.

Steve Craig: Thank you.

<b>SWCD &amp; Ozone Officer Reports</b>
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Commissioner Mourdock: I'll move approval of the Soil and Water Report, and also the Ozone Officer's Report.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And before we go on to other things and Consent Items, just to clarify something, part of the County Commissioners Association meeting tomorrow is in regards to a request from some people in the Allen County Commissioners office about forming sort of a sub-association within the County Commissioners organization. The sub-organization being for the Commissioners of the larger counties. Since I'm going to be there tomorrow, I know you will not be, Catherine—

President Fanello: I probably won't be up there until late, so.

Commissioner Mourdock: Yeah, are you going up tomorrow or Wednesday, David?

Commissioner Mosby: Depends on how long I'm with the Teamsters in the morning.

Commissioner Mourdock: Okay. Well, I'm planning on attending this, and we've had a brief discussion of it some months ago, but I presume, as a Commission, we're still willing to try to form such a group.

Commissioner Mosby: I've got that exact letter laying on my desk I'm going to take with me—

Commissioner Mourdock: Okay.

Commissioner Mosby: —and if I am there before 3:30, I will attend that meeting.

President Fanello: I know I definitely will not be there by that time. So, if you guys could attend, that would be great.

Commissioner Mourdock: If you're not there, I will speak in favor—

Commissioner Mosby: Speak for me—

Commissioner Mourdock: –of this for the Commission.

Commissioner Mosby: –and please give me the information that you get.

Commissioner Mourdock: Okay.

Commissioner Mosby: But I'll be there shortly after my appointment.

Commissioner Mourdock: Okay.

**Consent Items**

Commissioner Mourdock: Okay, with the two additions to the Consent File, I would move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: Motion to adjourn. Second.

President Fanello: So ordered.

The meeting was adjourned at 6:30 p.m.

**CONSENT ITEMS**

**Travel Requests:**

Health Department                      Commissioners                      County Engineer

**Employment Changes:**

Center Assessor                      County Assessor

**Commissioners:**

19 Quit Claim Deeds from Commissioner Surplus Property Sale.

**Sheriff:**

Weekly Jail and Community Correction Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Linda Nalley	Gary May
Roger Madden	Dennis Woehler	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 9, 2002**

The Vanderburgh County Board of Commissioners met in session this 9<sup>th</sup> day of December, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, December 9<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of December 2, 2002 Commission Minutes**

President Fanello: I need approval of December 2<sup>nd</sup> minutes.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Approval of December 9, 2002 Executive Session Summary Minutes**

President Fanello: Executive Session minutes.

Commissioner Mourdock: I'll move approval of tonight's summary minutes of the Executive Session that began at 4:00, ended at 4:30, had the three Commissioners plus Bill Fluty, and the County Attorney present. We dealt solely with county personnel issues.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award Cell Phone Contract**

President Fanello: Phil Lawrence.

Phil Lawrence: Good afternoon. Great to be back.

President Fanello: Thanks.

Phil Lawrence: There's a couple of things, of course, permission to award the cell phone contract. Kevin did get the opportunity to look it over, and there were not any, I think the issue was whether or not we could, the Sheriff could go outside the contract, and that is not a problem on this.

Commissioner Mourdock: I'll move approval then of the cell phone contract as submitted.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Award Transportation Contract:  
Division of Family and Children: Yellow Cab**

Phil Lawrence: Second one is VC-036-2003, the transportation services for children and family. Kevin, again, has looked at that contract, and has one ready for signature.

Kevin Winternheimer: Let's see if I brought one with me. I wrote the thing. We've got a copy somewhere. I don't know that I brought one with me tonight. Do you have a copy with you, Phil?

Phil Lawrence: Yeah.

Kevin Winternheimer: Or do you have one in your office? Somewhere—

Commissioner Mosby: He's got one.

Phil Lawrence: I've got the one that—

Kevin Winternheimer: He's got it.

Phil Lawrence: I've got the one she faxed to me.

Kevin Winternheimer: Okay, okay, yeah, that should—

Commissioner Mourdock: And who was this with? I know we're changing from—

Phil Lawrence: No, it's the same.

Commissioner Mourdock: Oh, it is the same?

Phil Lawrence: Yeah, Yellow Cab.

Commissioner Mourdock: Okay. Okay.

Phil Lawrence: We changed some language to tighten up how they do some things. If they are late, to make sure they get penalized for that.

Kevin Winternheimer: Yeah, this is the first draft. There is another draft, Phil.

Phil Lawrence: Okay.

Kevin Winternheimer: And I don't have it with me, but we can bring it up.

Commissioner Mourdock: Is Yellow Cab okay with the second draft that they've received? I mean, we had this conversation—

Phil Lawrence: Yeah, they didn't have any problem with it.

Commissioner Mourdock: Okay.

Kevin Winternheimer: The first draft, I had left off the discount. I went through all the specs, and there was one place that was different, or a place at the end of the specifications, and in the first draft I had missed that. It was a discount if they are late. We certainly want to provide that. So, it was nothing that they weren't familiar with. It was just, my first draft, I had left it out. It was in the second draft. I can get you a copy for them to sign.

Commissioner Mourdock: Yeah. I'll move approval of the second draft, then, of that contract, as agreed to with Yellow Cab.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Reject Battery Bid**

Phil Lawrence: I have one other thing that's not on there. In evaluating the battery bids, I found some discrepancies, and we would like to reject that bid and re-bid it. A couple of things happened. One is, for some reason, and, I guess, they haven't been included for the last four or five years, is the METS bus system, all of their batteries have not been, were not added to this bid. It was about, and they're about 40% of the purchases for batteries. So, and they have to have on their specs Made in the USA, and that was not included in the bid. That was my fault. I missed it. I should have updated it. We need to clean that up, and update it now.

Commissioner Mourdock: And we had already made the award.

Phil Lawrence: No.

Commissioner Mourdock: Okay.

Phil Lawrence: Oh, no.

Commissioner Mourdock: Okay.

Phil Lawrence: I talked it over with Kevin—

President Fanello: Okay.

Phil Lawrence: — and he suggested that the best way—

Kevin Winternheimer: I believe you said there were a few classes of batteries that the garage uses that were not on the list—

Phil Lawrence: Right.

Kevin Winternheimer: –that needed to be included, as well. So, the changing of the specs would be the reason for rejecting the bids.

Commissioner Mourdock: Okay. I'll move then that we reject all bids, and issue new specs, as appropriate.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Okay, thank you.

**Open Bids for Re-Roofing Project at Old Courthouse**

President Fanello: Next item is open bids for re-roofing project at Old Courthouse.

Kevin Winternheimer: Yes, I have four bids. Let's make sure we have them all. Are there any bids from the audience? Seeing none. I will go ahead and open them.

Commissioner Mourdock: I'll move the opening of the bids for the Old Courthouse roof.

Commissioner Mosby: Second.

President Fanello: So ordered. Excuse me, so ordered.

Kevin Winternheimer: Okay, the first bidder is CK United Sheet Metal, Inc. from Evansville. The, let me make sure I, base bid number one is \$1,310,000. Let me find the other parts of this. Well, where is it? I am not seeing it. Is there anybody from the company here?

Unidentified: Yes.

Kevin Winternheimer: Is there a, did you leave off a page? I'm not seeing, I think there's a base bid two–

Unidentified: We were told that all we needed was a lump sum bid, and that's what we provided.

Kevin Winternheimer: Okay.

Madelyn Grayson: Sir, will you please come to the microphone. Please.

Commissioner Mourdock: Yeah, come to the microphone, and state your name, just for the record.

Maurice Coates: My name is Maurice Coates. I'm with CK United Sheet Metal and Mechanical. At the pre-bid meeting, we were told that it was only necessary to provide a lump sum price. We'd also discussed the different sizes and thickness of the slate. So, that's the reason why we provided that quote.

Commissioner Mourdock: Okay. Thank you.

Kevin Winterheimer: Okay. The next bid is from Henry C. Smither Roofing Company, Inc., and their address is Indianapolis. Let's see, base bid number one, \$955,300. Base bid number two, \$373,175. Alternate number one, it says no change in price. Okay, the next bidder is Renaissance Roofing, Inc., and their address is Rockford, Illinois. Base bid number one, \$825,000. Base bid number two, \$518,750. Alternate number one, they've written in zero. The next bidder is Midland Engineering Company, and their address is South Bend, Indiana. Base bid number one, \$729,000. Base bid number two, \$572,000. Alternate number one, \$4,500. That is all the bids I have.

Commissioner Mourdock: I'll move we have Mr. Fosse, and Superintendent of Buildings, and the County Attorney take those bids under advisement, and report back in two weeks? Is that sufficient, Will?

Will Fosse: Yeah, I think we're scheduled on the 23<sup>rd</sup>.

Commissioner Mourdock: Okay, that would be two weeks.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Rose Zigenfus: Truck Routes (Deferred)**

President Fanello: Next item is Rose Zigenfus, but she is, she called, and she is going to have to defer this until next week.

**Jail Project:  
Notice to Proceed to United Consulting  
Discussion of Environmental and Geo-Tech Report Results  
Discussion of the Filing of Special Use for Land  
Discussion of Road Construction at Jail Site  
Discussion of Jail Authority versus Building Authority  
Approval of Resolution Regarding Reimbursement of Certain  
Preliminary Expenditures from Proceeds of a Proposed Issue of Bond  
Discussion of Proposed Fixed Fee Contract  
for Legal and Accounting Services**

President Fanello: So, we'll move on to the next thing, which is the jail project. Which I have a few things to bring up. First item is a notice to proceed to United Consulting. Basically, giving them notice to proceed with the completion of the schematic design phase. Which now that we have looked at our land project, which that may bring up another discussion, but they're at the point where they need to go ahead, to go ahead and complete the schematic design phase, and move into the developmental, development design phase. So, I guess, if anybody has any questions, or—

Commissioner Mourdock: Let me go ahead and say this, and maybe this will change the order of what we're doing, or maybe not, but you did, two weeks ago when we had the brief discussion about the geo-technical report and the environmental report came back, I raised several issues, you asked that I contact the people with the consultants, which I did, and as I said that night, there is one spot in that entire

property that still seems rather problematic to me. There is one hole, pretty well in the center, that is right where the building will go, at least if the first conceptual drawings that United has presented are accurate, and I have every reason to believe they are. In talking to the people with EMC about that, like my review of it, like my analysis, it's a little bit troubling. No one can explain why it's there. We, as you know, do not have any recourse on this property, in the sense of when we buy it, we are going to assume all the liability that's there, once we close. We're getting ready to spend upwards of a million dollars to buy this 40.3 acres, and in talking with the consultant, they think for as little as \$3,500, perhaps as much as \$5,000, they could go out there, drill a couple other holes, and see if, in fact, there is any more contamination than shows up on that first hole. I still feel that that's something we need to do. If those couple holes come back, or if we put a trench in out there, and there is no more contamination, then, certainly, I think we can move forward with all haste, but until we know that for sure, I continue to be a little bit concerned. The \$5,000 is, obviously, or the \$3,500 is less than one half of one percent of what we will totally pay for that. So, I guess, I would like to make the motion, at this point, that we direct the consultant to spend, and I'll even limit it to the \$3,500, do a quick investigation with either trenching or drilling, to see if, in fact, there is any more contamination down flow from that one site. From the one spot.

President Fanello: And I'll open it up for discussion—

Commissioner Mourdock: Sure.

President Fanello: —because I also talked with EMC today, so.

Commissioner Mosby: I'll just say I had a chance to talk with EMC earlier today. I understand what you're saying, Commissioner, and, I guess, the only questions I would have in my mind, or hesitance I would have is, in talking with EMC I asked them exactly what they did do out there. They said they did 18 test trenches, I think, themselves, plus ten more soil borings. On top of that, I guess, Alt and Witzig did 70 soil borings out there, and they were 100' apart, and during all this Matt said he was out there, and at all times did a visual inspection, and also a PID. Which I didn't know what a PID was, but it's a—

Commissioner Mourdock: Photo Ionization Detector.

Commissioner Mosby: —yeah, photoized detector. He said normally if there is any volatiles, or whatever, coming from the soil, he said we will pick that up at any time. He said never once, at any time, was they ever able to, through a visual, through a smell, through a PID, pick up anything. He said, I have to say, you know, this is definitely an isolated case. They found nothing that indicated petroleum, or no pipeline right there, you know, around the immediate area. He said there was a pipeline over on the southeast portion of the property that went east, but it was nowhere near this. He said your guess is as good as mine. He said it could have been something dirty from the laboratory. It could have been a tractor at one time might have leaked some diesel fuel. He said it could even have been dirty equipment at the time we were drilling. He said, but am I alarmed? In no way, shape, or form. I have a hard time spending \$4,000 to go out there and look for a problem, when, I mean, I've paid these people, they've did a second phase, and they're telling me they're not finding anything. I mean, that's my take on it.

President Fanello: And I would just, basically, Matt said the same things to you that he said to me on the phone. I mean, we spent, already spent over \$20,000, and he

said the same thing, you know, they were in constant communication with Alt and Witzig, which was the geo-tech consultant, and they did approximately like 70 soil borings. Plus the 18 test trenches that they did, the same thing Commissioner Mosby said. I just can't get the indication that we have, we really have a problem here. Chief Deputy Williams was in the meeting. The Sheriff was in the meeting. County Attorney, Kevin Winternheimer was in the meeting that we had with EMC, Bernardin Lochmueller and Alt and Witzig a couple of weeks ago. None of us got the indication that there were really any reasons to be overly concerned. So, I just really hesitate to spend any additional money when we've already put over \$20,000 into it. I'm not getting any big, big concerns from EMC. So, I believe the testing that they've done is adequate. Like Commissioner Mosby said, if there had been something there, they feel like they would have hit something, if there would have been a pipeline there, or, you know, some kind of underground, you know, tank, or whatever. So, I just don't get the indication that we really need to hold it up for one sample out of almost over 70 some samples.

Commissioner Mourdock: But, you need to understand, and perhaps you do, perhaps you don't. I don't know, but all that the Alt and Witzig, all those samples were for geo-tech. That's something totally different than what these environmental samples are for.

President Fanello: It is totally different, but he, and I, we discussed that. They do do something totally different. That's why I asked him what is your relationship, or what can you glean from what they are doing? He felt like, because they were in constant communication, I mean, they were on the look out for things as well. Plus, EMC being on the look out for anything. They both were in constant communication with each other, and neither one, at any time, found anything of great concern.

Commissioner Mourdock: And, as I said two weeks ago, is this a huge concern to me? No, but we do have a deal structured that is like none I've ever seen, where if that property is contaminated, the county will pay to clean it up. The buyer. The county will pay, not the seller. That's why if I'm going to err, I wish to err on the side of caution here.

President Fanello: Uh-huh.

Commissioner Mourdock: As I said, this is less than one half of one percent of the total purchase price of the property. The fact that they cannot explain where it came from...they also didn't expect to find the pipeline that's there. I'm willing to bet that there probably isn't a serious problem there, given the technical information, but the fact that something was spilled on the surface, and it worked down to the water table at this spot, I mean, technically that doesn't fly, because the contamination was only down, basically, at the water table level. So, it migrated in from somewhere, or, potentially, and this certainly is a possibility as David said, that they had some dirty tools or something.

President Fanello: And that's what he told me as well.

Commissioner Mourdock: And if it were off in the corner of the property, I'd quickly, again, I said this two weeks ago, if it were in the corner of the property, I wouldn't have a second thought, but this is right in the middle. So, my motion may die for lack of a second, and if that's the case, so be it, but I think it would be a prudent thing for us to do, to go ahead and make that further investigation, and hence the motion.

President Fanello: I think we've done our prudent duty, and spent our money, and got our answer. I'm satisfied with the answers we've received, so.

Commissioner Mourdock: Let the record show then it dies for lack of a second.

President Fanello: So, anyway bringing, now that we've got the, I guess, since we're talking about the land, I'll go ahead, Kevin, do you want to report on—

Commissioner Mosby: Do we want to make a motion here, I mean—

President Fanello: Well, I'm going to get to that in a second.

Kevin Winternheimer: Pursuant to the agreement that you've approved, the agreement was conditional upon us getting a special use approval. We do have the proper zoning for the detention facility, however, as a government building it requires a special use. I filed that application today. There will be a hearing before the Board of Zoning Appeals on January 16<sup>th</sup>. But, that is filed, and we are on schedule with that.

President Fanello: Okay.

Kevin Winternheimer: I've got a copy of it, and which I'll hand out to you, what I filed.

President Fanello: So, have you been in contact with CSX at all about a possible closing date? Or is that just, are we gonna—

Kevin Winternheimer: Not yet.

President Fanello: Okay.

Kevin Winternheimer: No, no, we do not have, have a definite closing date yet, but if you would pass—

Commissioner Mourdock: Would you be doing the special use prior to the closing?

Kevin Winternheimer: Yes, because if, for some reason, it's not approved, then we won't close, but I don't anticipate any problems at all, since it is already—

Commissioner Mourdock: Sure.

Kevin Winternheimer: —industrial zoned property.

President Fanello: But, that was one of the contingencies.

Kevin Winternheimer: It was a contingency in the contract. Then trying to get these done as soon as possible, they only have to do these once a month, and that will be on January 16<sup>th</sup>.

President Fanello: Okay.

Madelyn Grayson: Kevin, do you have an extra copy for the record?

Kevin Winternheimer: Uh—

Madelyn Grayson: If not, I can copy one of the Commissioners.

Kevin Winterheimer: We'll get you a copy.

Commissioner Mourdock: So, we don't need to do anything, per se, with that?

President Fanello: No.

Commissioner Mourdock: I didn't think so.

President Fanello: No. Well, with that process moving ahead on the land, it brings us to the point of the proceeding with the schematic design phase, and then we will probably also sign a notice, once they are finished with that, to proceed into the development design phase.

Commissioner Mourdock: Just a question then with your letter, and to read this into the record, very briefly. It's directed to United Consulting, William Hall:

"The Board of Commissioners of Vanderburgh County, Indiana, hereby authorize your firm to proceed with the completion of the schematic design phase of the Vanderburgh County Correctional Projects, in accordance with our agreement dated 10/22/2001, and as amended 11/5/2001, 12/17/2001, and April 15, 2002."

We're painting with a broader brush here, schematic design phase of the Vanderburgh County Correctional Projects—

President Fanello: I really didn't notice that.

Commissioner Mourdock: —do you want to define...do we mean just the jail?

President Fanello: We just, we are only working on the jail right now. That's all I know that this board has the authority to proceed with.

Commissioner Mourdock: Yeah, and I know there was schematic design that they did, and I'm not faulting them for this. In their land use of the property, they had a jail, they had a juvenile facility, they had a community corrections facility, and something called a judicial center.

President Fanello: Well, that really wasn't a schematic design for those. They were actually future land use.

Commissioner Mourdock: I understand. I understand there is a difference.

President Fanello: Yeah.

Commissioner Mourdock: But, what we're saying here is specific to the jail.

President Fanello: Specific to the jail project only.

Commissioner Mourdock: Okay, well, I would move then that we amend this letter—

President Fanello: Okay.

Commissioner Mourdock: –to say that it authorizes their firm to proceed with the completion of the schematic design phase of the proposed Vanderburgh County Jail Project.

President Fanello: Okay, jail project. That's fine, I didn't really didn't even pay attention to that before.

Commissioner Mourdock: And with that–

Commissioner Mosby: I will second, yeah, I will second that.

President Fanello: I can see where that might be confusing by looking at the map that they did, because they were trying to kind of look to the future of how we might possibly lay it out in the future.

Commissioner Mourdock: And that's appropriate, but given the contract–

President Fanello: Yeah, right.

Commissioner Mourdock: – that we have, and our need, this is more specific.

Madelyn Grayson: May I have a copy of that? I don't have that either.

President Fanello: Next item I want to bring up, talked with Mark Shireman today, and talked with United over the past week trying to coordinate the road project. Kevin told me last week that the city is interested in talking . So, I believe, Commissioner Mosby is going to be attending a meeting, at some point in time, with Kevin Winternheimer to talk about the city's involvement, if any, in our road construction out there.

Kevin Winternheimer: Yes, I was, just to follow up on that, I was contacted by Mike Schopmeyer, and I'm trying to set up a meeting, preliminary meeting, just to see if there are, and I'm sure there are, some areas of cooperation that can be had in this. So, they're going to be our next door neighbor, so we'll see what we can do to save the taxpayer some money by, through cooperation.

President Fanello: At some point in time, after that discussion takes place, I went ahead, since Friday, I believe was the deadline to get appropriations in for January, went ahead and put in an appropriation for road construction at a high amount, at \$2 million. The site analysis we received back from Bernardin had several different scenarios in it. Anywhere from, I think, 1.3 up to 1.7. So, I figured, by that time, we ought to have more of a firm figure, and this board should, you know, at some point in time here soon, make a decision on what scenario is our best scenario. So, just to get everybody thinking about that, I guess.

Commissioner Mourdock: Just something to provoke a thought here, if we knew for sure that the city, for whatever reason, was not going to close on their part of the property, would we do something different with the road? I don't know that anyone needs to answer that, but since it's my understanding that they have not closed yet, correct? The city?

Kevin Winternheimer: That was the last I had heard.

Commissioner Mourdock: Okay.

Kevin Winternheimer: However, I think they are anticipating that their project will be a go.

Commissioner Mourdock: Okay.

Kevin Winternheimer: So, we're trying to see where--

Commissioner Mourdock: Yeah, well, my point is, if there is any difference in what we would do with the road if, in fact, they weren't there, before we go too far with the road, maybe we need to make sure we know where they are.

President Fanello: And I think that's why they, after they have the meeting, then we'll kind of have a better idea of where they stand also.

Kevin Winternheimer: Right.

President Fanello: The next item, I think I've got several items we need to take care of tonight on the jail. The other item brings up to a discussion of a Jail Authority versus the Building Authority. Now, at one point in time, over the past year we had talked about the Jail Authority, and actually had taken steps to appoint some board members to a Jail Authority. I've had numerous conversations with Dave Rector, and have met with John Stanley, at one point in time, over the past few months, they are very interested in being involved in this project. So, I guess, I would like to bring that up for discussion, because if we do so choose to go ahead with the Building Authority, we need to adopt a different reimbursement resolution. We had previously adopted one with the language of a Jail Authority, but we would need to adopt one with the Building Authority's name. So, I guess, I would like to know if anybody has any thoughts on that. I know Kevin had some legal questions of how we would structure the agreement, because we would want to structure it different than the way the Building Authority operates this building. We would want to retain control of that building, so it would be structured a little bit differently, but from conversations with Dave Rector, that was not going to be a problem with that board, that he could foresee.

Kevin Winternheimer: I might add that this, the resolution that you're talking about just gets the ball rolling in saying that it has to do with paying some pre-issued costs. We do not yet have a document to present to you, the lease itself. It's not a done deal until that lease is signed by both parties. So, by passing this resolution, if for some reason we can't work out the language with the Building Authority, we are not tied to them in any way. So, I just wanted to make sure you understood that. That will be coming to you in the next so many weeks.

Commissioner Mourdock: And it probably will come in so many weeks that it's probably a mute point to me. I mean, if I knew you were asking me to vote on this tonight, obviously, I don't know enough to vote. But, I guess, I pretty well had my mind fixed on the Jail Authority, since we headed that direction. I would like to see what is the pro and con list of going the two different directions. Because, I know why we had the Building Authority involved with the Centre across the street. There were a lot of operational decisions that caused that to make sense, and, at least, in thinking of a site at Wansford Yards versus right across the street, I don't see those same things coming into play. So, I'm certainly open to considering it, if you could give us a list of pros and cons, I would appreciate it, and I'll think to add to that list as well.

President Fanello: What we need to do, if that's the case, is to get that done over this week, because we want to start a schedule where every Monday night we are completing something for the bonding issue process, since we are moving forward with the land and everything.

Commissioner Mourdock: Right.

President Fanello: So, we're at a point now where we need to, every Monday night, be moving that much further into the bonding process.

Commissioner Mourdock: Yeah, well, give me a week to think about it. I'm certainly, given Kevin's language of a moment ago, I'm okay in doing a resolution that would, in a sense, start those conversations.

President Fanello: Okay.

Commissioner Mourdock: With the understanding that it's not a done deal, until it's a done deal.

President Fanello: Right.

Commissioner Mourdock: But—

President Fanello: Like he said, if we can't structure an agreement that we're happy with, then it wouldn't—

Commissioner Mourdock: Right, and you have a resolution ready?

President Fanello: I do have a resolution prepared. It is, basically, like Kevin said, just to get reimbursed for any pre-issuance costs that we may incur, which we've incurred very, very little to date, so. Kevin has reviewed it.

Commissioner Mourdock: Pardon?

President Fanello: Kevin has reviewed the resolution.

Commissioner Mourdock: Okay. I have a hunch Kevin probably wrote this one.

President Fanello: Well, it comes from our bond counsel.

Commissioner Mourdock: Oh, okay.

Kevin Winterheimer: It comes from Pittman, but I did review it.

Commissioner Mourdock: Again, with the understanding that we have the ability to crawlfish on this, I will move approval of the resolution.

Commissioner Mosby: Second.

President Fanello: Okay. So ordered. I promise I only have a couple more small things. Looking over our budget for the project, and trying to find ways to make sure we stay within budget, I would like to propose a fixed fee contract for our legal services and our accounting services.

Commissioner Mourdock: And which was the latter?

President Fanello: Accounting services. Our financial services. I went back and looked at what we had spent on the Centre's project. Starting with the legal first, Ice Miller had been paid \$80,000, plus \$2,600 in reimbursables. What I did was get on our handy dandy Internet, and look at inflationary price index, and if we were to take that figure from 1996, and go ahead and index it to this year, we would come up with \$91,700. Then I would like to cap their travel and reimbursement at \$3,000. So, we're looking at \$94,700, as a total cap on their fees. Instead of the hourly rate, which is several hundred dollars per hour.

Commissioner Mourdock: Is it, and pardon my ignorance here, you're the accountant this time. Give me the expertise on the environmental issue, and you can have this one, Catherine. Is it apples to apples enough between what we did at the Centre in '96, with everything that's coming up ahead with the jail? Especially given the conversation we just had, and of possibly doing it through the Building Authority versus a Jail Authority?

President Fanello: Well, we're getting the better deal if we sign the fixed fee, I can tell you that. Because there is a lot more work involved in on this project than there was the Centre project.

Commissioner Mourdock: And that's because?

President Fanello: Just because, well, because of all the nuances of the jail project. As you can see, I mean, we've had numerous discussion, you know, back and forth with the bond counsel over Jail Authority, Building Authority, you know, bonding structure, and different things. So, it has been a little more tedious, I think, than the Centre's. I don't ever remember, of course, I wasn't here, so, in this position.

Commissioner Mourdock: Yeah, correct.

President Fanello: But, just from what the newspaper, I don't ever remember hearing anything about the bonding process like this one is taking. We've got quite a few questions, and structuring, so. I mean, I'm just looking at what we spent on the Centre, which I can't imagine that that project really would be as difficult as this project. So, I mean, we have more of a, you know, chance for remonstrance process with this project.

Commissioner Mourdock: Okay. Yeah, I think, probably, most certainly, technically, this is a much easier project, architecturally and technically. But, obviously, I don't know that that's a bonding issue either.

President Fanello: Uh-huh.

Commissioner Mourdock: The remonstrance, you certainly do have that issue out there, that we didn't have at the Centre. I'll rely on your good judgement here, because this one is, obviously, you're throwing this one at me without any background in knowing it was coming.

President Fanello: We can, you can take a week to think about it, if you want. I'm just throwing this out here, because I would like to cap the legal fees, and cap the accounting fees.

Commissioner Mourdock: Okay.

President Fanello: And it's kind of a practice our office has been taking on lately. Instead of billing clients on an hourly basis, we do quite a few audits, we have capped the fees, because it's...you get into a-

Commissioner Mourdock: I don't have a problem with-

President Fanello: -project, and if it becomes more difficult than what you thought it was, I mean, you're pretty soon over your budget real quickly.

Commissioner Mourdock: I don't have a problem capping fees. The basis of my question is simply are the numbers comparable? I mean, if instead of \$91,700 should be the cap, should it be \$55,200? I don't know. So, I'll take a week, and kick that one around.

President Fanello: Okay, and looking at the accounting fees, what we spent, just so you can think about this one also...and we could maybe call around and look at a couple other jail projects, and see what they spent on legal fees. But, looking at the accounting fees, \$51,500 was what was spent on the Centre's project. If I index that by the same percentage, which by the way, the cumulative index rate would be 14.6%. If I index that, I come up with approximately \$59,000 for the accounting fees. I spoke with Mike Claytor at Crowe Chizek, that was acceptable, although there would be additional fees on top of that, because they have to pay for the offering document, they have to pay for the postage, which he felt like would be anywhere between \$10,000 and \$15,000, depending on, I guess, there was more than one time they had to advertise. So, we could be looking at somewhere around \$70,000 for the accounting fees, in total, with the offering document and postage.

Commissioner Mourdock: But, instead of the \$70,000, you're saying a cap of \$59,000?

President Fanello: Well, I'm saying his part of that would be \$59,000.

Commissioner Mourdock: Okay.

President Fanello: But, the offering document, postage, and everything would be on top of that, and we would look at somewhere near, around \$70,000 for those fees.

Commissioner Mourdock: Okay.

President Fanello: So, kick those around for a week, because I do not have the final documents back from them to sign. Once I get those back, I definitely would have Kevin and you all review those, but I would like to go ahead and cap those fees.

Commissioner Mourdock: Okay, and, again, the cap we don't have any issue about. That's fine.

President Fanello: I think that's it, unless anybody has any questions.

Madelyn Grayson: May we make a tape change please?

President Fanello: Sure.

(Tape Changed)

**Computer Services: Contract Amendment with Open Software Solutions**

President Fanello: Ready? Okay. Next item is Clifford Thomas, contract with Open Software Solutions.

Clifford Thomas: I'm Clifford Thomas. I work in the Computer Services department. My current assignment is Project Manager for the Public Safety Client Server Project. Exhibit A, page two of the contract between the City of Evansville/Vanderburgh County and Open Software Solutions, bid CE-2001-05, details the quantity and costs for 60 Panasonic Mobile Data Computers. Due to the existing market, the cost of each unit has been reduced from \$4,378 to \$3,611. Also, the one item, a quantity of 55 model CF-WEB273 port replicators are no longer needed to configure the MDC in the patrol cars. Request acceptance of the revisions to Exhibit A, page two, bid CE-2001-05 as detailed in attachment, Exhibit A, dated 11/20/02. Changing the quantity from 60 to 67 items, and dropping the item of the port replicators. The recommended change to Exhibit A, provides for seven more MDC's for the project, and remains within the budgeted costs.

President Fanello: Do you have any questions?

Commissioner Mosby: I don't. Motion to accept.

Commissioner Mourdock: Okay, these are, basically, laptops going in the Sheriff's cars, correct?

Clifford Thomas: These are the ruggedized laptops. These things are real hard to break, and, yes, these units would be going into patrol cars for the new mobile system that's coming in.

Commissioner Mourdock: Okay. The price dropped from the \$4,378 to the \$3,611, I mean, is there, was that a one time drop that just came up quickly that we might expect some other drop in the near term?

Clifford Thomas: The, this is true, it's possible that that could happen, but according to the project schedule, task to purchase these is due now. That is set within another task that is dependent, later on, on these things being purchased, set up, and those things. So, now is the time in the project schedule when we're required to have these on board.

Commissioner Mourdock: Okay. Do you have any idea what the installation time will be from the time we start to when they are all in? I mean, is it something they will get in over the course of two or three weeks?

Clifford Thomas: We expect to have these on-site the middle of January. I don't have my project schedule in front of me right now. Yes, I do. I'm sorry. I believe it's February, the middle of February to have these set up. We're expecting to go live with CAD, we're scheduled right now to go live with CAD 3/18.

Commissioner Mourdock: Okay.

Clifford Thomas: Those mobile units need to be live for that go live date.

Commissioner Mourdock: Okay. I think David made a motion to accept, and I'll second.

President Fanello: So ordered.

Clifford Thomas: Thank you.

President Fanello: Thank you, Clifford.

Commissioner Mosby: Thank you.

**Reappoint Members of the PTABOA**

President Fanello: Next item is County Assessor, reappoint members of the PTABOA. I believe she is wanting to reappoint James Knauff and Arthur Aarstad. Does anyone have any comments?

Commissioner Mourdock: Yeah, I'll move those appointments, as requested.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Introduction of GASB34 Ordinance  
Capital Asset Policy**

President Fanello: Next item is Auditor.

Suzanne Crouch: Yes, we forwarded to you a Capital Asset Policy. GASB34 is the new reporting standard that requires governmental entities to start accounting for and inventorying their capital assets. In preparation for doing this, and we do need to be in compliance by year end 2003. We've worked with the County Engineer, and State Board of Accounts to come up with the policy. I'm meeting with President Fanello tomorrow, we will go over that policy. Any revisions or changes we will forward to you, and we're hoping that we will be able to have first reading next Monday, the 16<sup>th</sup>, and second reading on the 23<sup>rd</sup>. I would presume, Kevin, that we need to repeal our current Fixed Asset Policy, because this will be replacing that policy.

Kevin Winternheimer: Okay, is that in the Code Book?

Suzanne Crouch: Yes, it is.

Kevin Winternheimer: Okay, yeah, if you'll...I can add that to the ordinance. I put that in ordinance form to be able to put it in the Code Book. So, we'll just add that to that draft.

Suzanne Crouch: Thank you.

**Appointments to Old Courthouse Advisory Board**

President Fanello: Next item is, anybody have any appointments ready for the Old Courthouse Advisory Board? I am still waiting for my phone call back.

Commissioner Mourdock: Same here.

President Fanello: Okay. So, we will defer for one more week. It's hard to get people to return phone calls this time of year.

Commissioner Mourdock: Especially from government calls.

President Fanello: Right.

### **Discussion of Bill Brooks Exhibition Hall**

President Fanello: One item that I'll bring up, I received, I think, each of you probably received a letter from the Building Authority about the Bill Brooks Exhibition Hall. They're just needing to know, I think, if that signage, if the wording on that signage is okay.

Commissioner Mosby: It's okay with me.

President Fanello: Okay.

Commissioner Mosby: I would ask that they might meet with some other people, but—

President Fanello: Okay. Just to let you know.

### **Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board?

Donald Burton: Yes. My name is Donald Burton. I represented the homeowners of Mill Terrace Subdivision. We petitioned the County Commissioners approximately a little over two years ago for the Barrett Law. We were here three weeks ago, and, I guess, re-petitioned our concerns. I think, Mr. Winternheimer was supposed to get some papers ready for the County Commissioners, and for us. I showed up last week, but nothing was prepared. So, we're back again.

Kevin Winternheimer: Do you want to bring that up now?

President Fanello: Sure.

Kevin Winternheimer: I was going to do that during my report.

President Fanello: No, that's okay.

Kevin Winternheimer: If you will pass these down. I've got an extra one for Madelyn. I did a brief outline, not quite two pages, of the Barrett Law procedures. Again, this is very brief. I condensed about, I don't know, a hundred pages in the Code Book, down to a page and a half. But, in any event, the first step we need to do, and you'll have to tell me whether this is complete, John. We need to complete the cross

sections, drawings, specifications conforming to county standards. Do we have that part yet? For this project.

John Stoll: The plans have been drawn, but their not entirely finished. They are really close.

Kevin Winternheimer: Okay. Well, we'll need to get that before we can have our preliminary resolution. You'll need to get that done, so that the people can look at it. The next thing we need is, we need to prepare a list of property owners, addresses, tax code numbers, and property descriptions for each lot that is gonna participate.

Donald Burton: We've done that.

Kevin Winternheimer: You've got that. If you can get that to me, or to John. We'll let John be the point person.

Donald Burton: I think he's got a copy of it.

Kevin Winternheimer: Okay. Are they up to date? Nobody's moved in or out, as far as you know?

Donald Burton: Well, there, now there's possible somebody--

Kevin Winternheimer: Okay.

Donald Burton: It's possible.

Kevin Winternheimer: Okay, well, we need to get that updated.

Donald Burton: Okay.

Kevin Winternheimer: Then we can, we'll need to prepare an estimate of costs for the project. John, I don't know if you're doing that, or their engineer's doing that, but we'll need--

John Stoll: (Inaudible).

Kevin Winternheimer: I'm sorry.

John Stoll: Their consultant is Bill Nicholson, and he'll prepare that.

Kevin Winternheimer: Okay.

John Stoll: He's already done some of it.

Donald Burton: In fact, I've got some right here.

Kevin Winternheimer: Okay. We'll need to have that, but that's just building costs. There's a lot of other costs involved in this other than just building costs. So, if you can get that, make sure that he still thinks those cost figures are in the ballpark, and get that to John. Then we can update them with the other costs that are going to be involved in the project.

Donald Burton: I think, Mr. Stoll here got the information from Nicholson and Associates, what, four or five months ago.

Kevin Winternheimer: Okay.

John Stoll: They probably do need updated though.

Kevin Winternheimer: Okay. But, I mean, we'll have to add the other incidental...they are called incidental costs. One of the costs involved, or will be incurred will be we're going to do a bond for this. I don't know whether the Commissioners have given any thought to who you're going to use for bond counsel. I would need to get a hold of them, and get an idea, given the figures that John gives me for the project, construction costs, what kind of costs we're going to incur to issue the bond. Because this is being proposed to be paid for with a bond. I don't know if you're prepared to give me a name, or who to work with, but let me know and I'll get with them to get an idea, an estimate of costs for that.

President Fanello: Could we call and maybe get some quotes?

Kevin Winternheimer: Sure.

Commissioner Mourdock: Yeah, I would recommend that. In the past, I think, we've used both Ice Miller and Barnes Thornburg, I mean, all those same list of characters.

Kevin Winternheimer: When I get the rough guess on how much the construction cost is, I'll get you some prices on that. Because I will need to start working with them to make sure we're on schedule with that. Then when we get all that together, then we'll be ready to advertise for preliminary, adoption of preliminary resolution. The property owners have to be notified, and they have to be advertised as well, about the preliminary resolution. So, the County Engineer, at that time, will file an estimate of the maximum cost of the project ten days before the hearing. So, that's where we're at. The rest of the outline goes on and talks about what happens in the future, but that's the big first step is getting those done.

Commissioner Mourdock: Did you get a copy of this, Mr. Burton?

Kevin Winternheimer: No, he doesn't have that.

Commissioner Mourdock: You can have my copy here, if you like.

Donald Burton: Thank you.

Kevin Winternheimer: So, I guess, the next step is, I'll get with, John, when you feel you've got the updated drawings, get those complete, and we'll proceed with getting a list of the property owners. If you've got, if you know of any new additions, or deletions, or whatever, get those to John. Because those are the first two steps in this process. Because all those people are going to have to be notified. They have the right to come in to the hearings. We're totally up front with them. We'll show them all the documents we have. The estimates, everything, so they know what they are getting into.

John Stoll: I'll get with their consultant then, and get the plans finalized. Basically, there were a couple of drainage issues on the plans, as well as the type of curb that

was proposed to be used. Those were the only unresolved issues that I can recall off the top of my head. So, I'll get with their consultant, and we'll take it from there.

Donald Burton: Thank you.

President Fanello: Thank you. Is there anyone else in the audience wishing to address the board?

Frederick Bumb: My name is Frederick Bumb. I live on Cynthiana Road. My item that I'm here on is pertaining to Little Schmuck Road. I'm hoping by now that you folks have had the findings of the court hearing. Have you? On the court hearing on Schmuck Road.

Kevin Winternheimer: I don't have those with me. I'll have to talk to the attorney. I haven't talked to him about it in a while.

Frederick Bumb: Mr. Sullivan, wasn't that the prosecutor?

Kevin Winternheimer: Yes, I believe it was.

Frederick Bumb: He's the gentleman that handled it--

Kevin Winternheimer: Yeah.

Frederick Bumb: --for the county.

Kevin Winternheimer: I'm not prepared to give you a report on that, because I'll have to talk to him.

Commissioner Mourdock: I have not seen them.

Frederick Bumb: Okay, well, I thought maybe you had. I received these last week from my attorney. I thought it was in order that I come up here and show my appreciation from what you folks have done. The attorney, and John, and there is a number of other folks that appeared at the hearing. The hearing was, it was in our favor that Little Schmuck Road is Little Schmuck Road.

Commissioner Mourdock: Okay.

Frederick Bumb: It is a concern of mine that what is the procedure? Who will govern this that things are done according to the hearing here? Does anyone have any suggestions?

Commissioner Mourdock: Just to, correct my memory if I'm wrong, Fred, but I think what we need to do, now that the court has ruled that that strip of land really is a public right-of-way, I think, the question is does this board need to act in some way to, basically, declare it as dedicated to the county. I'm guessing, and you know I'm not an attorney, but has the court, in effect, just dedicated that ground to us?

Kevin Winternheimer: I haven't seen the ruling yet, but if it is as he says. Well, if it is the court has declared it to be a public road, then there is no further action. We just need to make sure on our records, that our records correctly reflect the courts ruling on that, as far a maintenance, and so forth, and all the other issues involved with a public road.

Commissioner Mourdock: Yeah.

Frederick Bumb: Being a landowner, and I have some other property along another county road it's a concern of mine, because we have invested \$5,000 just to find out that Little Schmuck Road is Little Schmuck Road. So, I guess, I'm here wondering now am I safe in saying that when I buy some property, is it a road, or isn't it a road, see?

Kevin Winternheimer: It is what the courts said, unless the other person, I can't remember the fellow's name, who didn't think it was a public road appeals it. He'll essentially, you'll know in about 30 days whether or not he's going to appeal it.

Frederick Bumb: I see.

Kevin Winternheimer: Do you see what I'm saying? The judge's order stands unless somebody appeals it. We have no intention of appealing it, but I can't think of the adverse party in this, but if he wants to appeal the decision, he has 30 days to do it. So, we'll know within a month.

Frederick Bumb: I guess, the concern of mine is too, the procedures will be with you folks in making sure that it goes on record as a county road?

Kevin Winternheimer: Right.

Frederick Bumb: Because, and for future uses. If I, someday, maybe sell it or something like that, that it definitely is a county road. So, I'd, if they have any comments, but I do....John might here. He's been working with it. He's been spending quite a bit of time with it.

John Stoll: I was going to say, we never took it off the list. Basically, the previous County Attorney reported the data, and felt that it was a county road. We've kept it on our road list. We just showed zero right-of-way for the road. So, we just need to update our road list to indicate what the judge's ruling on the right-of-way width is, and the actual ending point of the road. So, just a couple of clarifications for us. It won't be any problem for us to take of.

Kevin Winternheimer: I believe, in my last discussion with Mr. Sullivan, the judge was going to determine the width of the right-of-way. I believe they were anticipating he was going to do that. So, if he's made that determination, we can show that on all our records, how wide....I mean, that was the stickler of the case. Was one of the issues.

Commissioner Mourdock: I'm guessing, for Mr. Bumb's protection, or any of the other neighbors who are looking to get the benefits of that road, they can probably file something in the Recorder's office that references the court's ruling, just to make that chain of title clear. If somebody, if they sell their property in the future, so that someone will know to check that record.

Kevin Winternheimer: We could actually, but since it's a judicial decision, it should come up—

Commissioner Mourdock: Okay.

Kevin Winternheimer: —in a title search.

Commissioner Mourdock: Okay. I'm glad we won one, Fred.

Frederick Bumb: I'm sorry.

Commissioner Mourdock: We won one. Every night over the eight years I learn something new here, and this is a new one with just two weeks to go before I'm out of here. I've wondered what would happen when we won that road. So, very good.

Frederick Bumb: Well, it's been dragging on for two years, so, we were kind of anxious for the completion of it and everything like that. I guess, the only other problem is that he did put, Mr. Reimann put some posts up, and they have to be taken down. Some of them have been taken already off...see this, but he's planted some trees now, and I don't know what's the situation on it. Right close to the road.

Commissioner Mourdock: Once we go past that appeal process, if, in fact, he does not appeal, and, Dennis, I'll kind of put this on your list, but it may be something this board would want to do is to send him a letter that we do understand that we have won in that hearing, and therefore that dedicated right-of-way to the county ought not to be the site of his trees, and his fence, etcetera. But, we can't do that, obviously, until after the appeal.

Frederick Bumb: I certainly appreciate what you folks have done and everything, but I hope it's all over, but there may not be. Have a good day. Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you, Mr. Bumb.

President Fanello: Is there anyone else in the audience wishing to address the board?

<b>Old Business</b>
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President Fanello: Old Business.

Commissioner Mourdock: One very brief bit of Old Business. Last week I did attend the first gathering of the County Commissioners of the Urban Counties of Indiana. I'll report to you, I think, there were seven of the 12 counties represented. In trying to put that group together they, basically, deemed counties over 120,000 population as the urban counties. We kicked around several different types of topics, and what it was we hoped to do as a group. Fundamentally, the answer to that question was to have some joint clout in dealing with the legislature on special issues. So, there was a little bit of hesitancy by some of the members initially, particularly Elkhart County, but by the time we got done it was reached by consensus that they did want to go forward as a group. Sandy, Sandra Frum, F-r-u-m, from Allen County is going to continue to put out some mailings and keep everyone informed. So, I think that will be a good group for all of you to be involved with.

President Fanello: Good.

Commissioner Mourdock: And there's no membership fee or anything.

President Fanello: That's good to know. Because we don't have any money. Does anybody else have any Old Business?

Commissioner Mosby: Old Business, yes, Dennis Woehler caught me out in the hall a while ago, and gave each one of us, and there's one for the record. Just a quick report on last week's meeting. Both insurance companies did okay and accept the amendments that we made to our policy changes, or whatever, where we can accept the spouses and dependent children.

Commissioner Mourdock: Well, I'll move that we add this into the record then.

Commissioner Mosby: Second.

President Fanello: So ordered. I have one small piece of business. While I was at the Commissioner conference last week, I ran into Commissioner Conner from Warrick County, and wanting to know how we were proceeding on the Lynch Road project. While I was up there, I also met with Clifton Gunderson, who's handling all the TIF calculations, and they should have their report to us, hopefully, within a week. But, preliminarily, they offered that they believed we were fine in doing the Lynch Road, plus defeasing the bonds early. So, Warrick County was hoping that maybe this board could send a letter to Warrick County letting, so that their Council would know that, with all these things in place, we are ready to move forward with the last extension of Lynch Road up to Warrick County. So, if that pleases the board, we could draft a letter-

Commissioner Mourdock: Do that next week?

President Fanello: Right. If I can have a motion to that effect.

Commissioner Mosby: Motion to draft a letter.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: You going to bring it back so we can see it?

President Fanello: Yes. I'll let you see it. We'll let you check this one.

**New Business**

President Fanello: Any New Business?

**County Engineer**

President Fanello: Moving on to department head reports, County Engineer.

John Stoll: First I have a change order on the Burkhardt Road Project. This is an increase of \$4,659.75. This resulted from making striping changes and eliminating some, removing some temporary striping that was at the north end of the previous job. So, that way everything would tie in with this new project. We also had to change some epoxy striping, and other items up at Lynch Road, because

temperature limitations wouldn't let us put down certain types of striping, because of the low temperatures. So, it's requested that this be approved.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: Next I've got a change order on contract VC02-05-03, repair and repaving of various county roads. This is for Old State Road and Old Boonville Highway and Telephone Road. This is a net increase of \$8,217.79. The primary causes for this increase were additional patching quantities, and also there's a little connector road between Old State Road and Highway 41, just north of Busler's on the east side of the road. We paved that and those quantities weren't originally included in our contract. We also had some striping modifications up around Scott School. So, it's requested this be approved as well.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have an encroachment agreement, this would be between Mach 1 Development LLC, and Vanderburgh County. This is for the purpose of the Shoe Carnival wants to install a fiber optic line overhead across Heinlein Road to go from their warehouse at Baumgart and Heinlein to some property they plan to lease on the north side of Heinlein Road. I've reviewed this, and reviewed it with Kevin, everything looks okay, other than the fact that we need them to provide a drawing showing the location of where this will be located as it crosses the road. Other than that, everything looks okay, and it's requested this be approved.

Commissioner Mourdock: And we're pre (Inaudible) liability that it might happen?

Kevin Winternheimer: Right. It was my suggestion that we have a drawing. What I suggested to John is if you're inclined to pass it tonight, that we physically not give them the document until they provide us the drawing. So, if they do not, it will be subject to the drawing showing the exact location of where it's at.

Commissioner Mourdock: Okay.

Commissioner Mosby: I make a motion that we accept this subject to the drawing.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The last item I've got is that I would like to go to County Council in January to transfer \$5,000 in the Assistant County Engineer's position to the Extra Help line item in the Cumulative Bridge Fund for the purpose of keeping Pat Seib on through the end of the spring semester in May.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

John Stoll: That's all I have.

President Fanello: On the Lynch Road, can you go ahead and get an agreement with Bernardin Lochmueller? Would they be the one's doing the right-of-way—

John Stoll: For the right-of-way acquisitions?

President Fanello: —acquisition? Yeah.

John Stoll: They drafted one. I'm not sure if they will need to revise any of the numbers in it, because it's been several months since they submitted it, but I'll check on that. If it's good, do you want me to bring it back next week? Or—

President Fanello: Well, I have to...Clifton Gunderson was checking on what this board could do versus what the Redevelopment Commission would have to do. So, I'll have to check and see who actually will sign it, but I just want to go ahead and have it prepared and ready to go.

John Stoll: There might be some money still in the Lynch Road Account to where the agreement could be signed—

President Fanello: Okay.

John Stoll: —with those existing funds. If you want me to check into that.

President Fanello: Why don't you check into that, and see where we're at.

John Stoll: Sure.

President Fanello: Okay. Anything else?

John Stoll: Thanks.

President Fanello: Thanks.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all this was my first snow removal project this week—

President Fanello: And how did you like it?

Dennis Hudnall: It was an experience. I just want to say that I found the folks that work out at the County Garage very professional, and conscientious in trying to get the roads safe for the public. Besides that, all I have is my report, if you have any questions.

Commissioner Mourdock: Just to make a comment, Dennis. I know this is your first time through this. Every year, usually in March, the Commissioners dedicate one meeting to scheduling which roads should be worked on and maintained during that summer. So, you might be giving some thought in the next week or two, so that the board can schedule that meeting for March.

Dennis Hudnall: Sure will.

Commissioner Mosby: One thing I wanted to tell you, I believe you must have completed the work on Peerless Road, the culvert pipe and everything. That gentleman called me Saturday morning about 7:00 at home to tell me that you did a great job. I asked him to call back at 8:00, no, I'm just kidding. But, anyhow, I wanted to extend that to you, and he said to extend to the men out there. That they were very professional and polite to him the whole time they were on the job.

Dennis Hudnall: Well, I thank Mr. Meyers for that comment.

Commissioner Mosby: Yeah, he did make that comment. Also thank you for snow removal, and thank the guys at the garage. I think they did a great job.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Okay. Have a good night.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: Well, we've taken care of almost all of the topics I was going to (Inaudible), except for one. The Sheriff's department, along with the Police department is proposing to lease some property at the airport for a facility. I'm informed that we have our petition signed, or just about signed. Technically, we have to have a hearing on that. I would like to schedule that for the 23<sup>rd</sup>. I'll prepare the advertisement and all that, if that's convenient with the board for the 23<sup>rd</sup> of this month.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

**Superintendent of Buildings**

President Fanello: Superintendent is out of town. Is she—

Commissioner Mourdock: On behalf of the Superintendent though, we need to add to the Consent Items, we have another list of quit claim deeds, I would move that that stack of quit claim deeds be added for signature to the Consent File.

President Fanello: Did you want to go ahead, and—

Commissioner Mourdock: And also we have one late pink slip from County Highway that I would move be added to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette. Which he has already discussed it.

**Soil and Water Conservation District**

President Fanello: Soil and Water.

Mike Wathen: Mike Wathen, Soil and Water. In addition to the normal report that we send in, this will probably be my last time here this year. I'm just going to give you a little bit of an overview. Since January 1<sup>st</sup> we've dealt with 40 issues under the local ordinance. Some considerably larger than others, as I'm sure you're aware of. We've got 200 new files in the system, since the beginning of the year. We've dealt with 61 new plats, and we've reviewed 29 new erosion control plans, which we're working on in various stages on different subdivisions throughout the county. Anybody got any questions, or comments? I would be happy to try to answer them for you. I don't have anything earth shattering really to report to you. It's pretty much business as usual.

Commissioner Mosby: I don't have any questions.

Mike Wathen: I've got some vacation time to use up, so.

President Fanello: Have fun.

Commissioner Mosby: Have fun on vacation.

President Fanello: Thanks, Mike.

Commissioner Mosby: Thank you.

**Ozone Officer's Report**

Commissioner Mourdock: I would move we add the Ozone Officer's Report to the file. To the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Consent Items**

Commissioner Mourdock: I'll move approval of the Consent Items with the modifications, as noted earlier.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Commissioners, there was also a document in here from Will Fosse. Is that something that needs to be addressed tonight?

President Fanello: I just saw that, and that's for the renovation of the bathrooms, but I think we ought to wait, and I have not had a chance to review it, and I don't know if the County Attorney has reviewed it.

Kevin Winternheimer: Yes, I think I know what you're talking about.

President Fanello: Okay.

Kevin Winternheimer: If you would let me see it.

Commissioner Mourdock: Yeah, I thought we said last week we were going to go ahead and look at that, and then add it to Consents, weren't we?

President Fanello: Well, we gave her permission to go ahead and get a contract together.

Kevin Winternheimer: Yeah, that's what this is.

President Fanello: Yeah.

Commissioner Mosby: So, you've seen it?

Kevin Winternheimer: Yes.

Commissioner Mosby: You've reviewed it?

Kevin Winternheimer: I don't have any problem with it.

Commissioner Mosby: Well, if he agrees with it--

President Fanello: Okay.

Commissioner Mosby: --I'll make a motion to add this item to the Consent Items.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: Do you want to make your motion again?

Commissioner Mourdock: Yeah, the last thing I was going to say was welcome to all these students from North, right?

Unidentified: Yep.

Commissioner Mourdock: Is it Shane? Yeah, Shane was the inspector out at precinct, Perry Three on election day. So, he gets the good citizenship award. He's done two government things in one semester. So, very good. Having no other business, I would move that we adjourn.

Commissioner Mosby: I will second that motion on welcoming them, and adjourning.

President Fanello: So ordered.

The meeting was adjourned at 6:33 p.m.

**CONSENT ITEMS:**

**Travel Requests:**

County Assessor	German Assessor	Knight Assessor
Center Assessor	Auditor	

**Employment Changes:**

Community Corrections	Health Department	Superior Court
Public Defender	County Highway	County Council
SWCD	Center Assessor	Circuit Court

**Request for Service:**

County Surveyor	Pigeon Township Trustee
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**Auditor:**

Submit Financial, Cash and Expenditure Report.

**Superintendent of Buildings:**

Contract with Will Fosse for Renovation of Old Courthouse Bathrooms.  
30 Quit Claim Deeds from Surplus Property Sale.

**Health Department:**

Submission of Amendment to WIC Grant for Health Department.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Suzanne Crouch	Madelyn Grayson
Patty White	Phil Lawrence	Maurice Coates
Will Fosse	Clifford Thomas	Donald Burton
John Stoll	Frederick Bumb	Dennis Hudnall
Mike Wathen	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 16, 2002**

The Vanderburgh County Board of Commissioners met in session this 16<sup>th</sup> day of December, 2002 at 5:32 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, December 16<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Mourdock; County Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of December 9, 2002 Commission Minutes**

President Fanello: Approval of the December 9<sup>th</sup> minutes.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

**Approval of December 16, 2002 Executive Session Summary Minutes**

President Fanello: Executive Session minutes from this afternoon.

Commissioner Mourdock: I'll move approval of the summary minutes of today's Executive Session. It began at 4:45, ended at 5:15, and dealt with county personnel matters/ litigation.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Will Fosse: Permission to Recommend Award to Bidder for  
Old Courthouse Re-Roofing Project**

President Fanello: Next item is Will Fosse, permission to recommend Old Courthouse Re-roofing Project.

Will Fosse: Good afternoon. A week ago today we took bids on the courthouse re-roofing, and I have a copy of the bid tabulations.

President Fanello: Thank you.

Commissioner Mourdock: We have that.

President Fanello: Yeah, I think, yeah, we do have one in our packet.

Will Fosse: The bids have been examined. They seem to be in order. Midland Engineering from South Bend is the apparent low bidder. His bid was \$729,000 for roofing, and \$572,000 for sheet metal. A total cost of \$1,301,000. We have examined their submittals, and everything seems to be in order. Pending the availability of funds, I would recommend that a contract be awarded to Midland Engineering for this project.

Commissioner Mourdock: Will, were the four bidders pre-qualified? Or you've otherwise checked qualifications of them?

Will Fosse: They submitted qualifications with their bid.

Commissioner Mourdock: Yeah, and you're comfortable that the resume that these people, the low bidder, have offered is suitable?

Will Fosse: Yes. They have done quite a bit of work around South Bend.

Kevin Winterheimer: Along that line, it was noted that they've done many, many jobs for Notre Dame, which is one that's a large facility. Number two, they were a repeat client of theirs. So, I think that speaks for them right there.

President Fanello: Just for the record, Kevin did meet with Will and Tammy.

Kevin Winterheimer: Yes. Yes, we reviewed the bids.

Commissioner Mourdock: I would move, as stated by Mr. Fosse, contingent upon finding all funding that this be approved.

Commissioner Mosby: Second. Is there something that you want to add?

Kevin Winterheimer: Well, I was going to say, until you have funding, I was recommending we not make an official award, but you did say—

President Fanello: You said—

Kevin Winterheimer: —contingent upon, yeah.

Commissioner Mourdock: Contingent upon funding.

Commissioner Mosby: Yeah, pending funding.

Kevin Winterheimer: Okay.

Commissioner Mosby: Pending funding, I will second that motion.

President Fanello: So ordered, and we do have one million in place, so, what we'll do is file an appropriation for the remaining amount.

Will Fosse: Alright. Fine.

President Fanello: Thank you, Will.

Will Fosse: Thank you very much.

Commissioner Mosby: Thank you.

**Permission to Advertise: VC021-2003: Burdette Park Electrical Upgrade**

President Fanello: Next item is Phil Lawrence.

Phil Lawrence: Thank you. I have a summary of things I have. First one being permission to advertise VC021-2003, Burdette Park Electrical Upgrade, which is the upgrade of all the electrical in most of the chalets. Ad dates 12/20, 12/27. Opening date one, January 6, 2003.

Commissioner Mosby: What are we doing to the chalets?

Steve Craig: (Inaudible. Not at mike.)

Commissioner Mosby: Okay. I was going to say, I didn't know anything about chalets. This being changed from chalets to campground, I'll make a motion of permission to advertise for campground upgrade on electrical.

Commissioner Mourdock: Second.

President Fanello: Before I say so ordered, who's writing all the specs?

Phil Lawrence: I am. They've gave me the technical specifications--

President Fanello: Okay.

Phil Lawrence: --all I need to put together is the purchasing part.

President Fanello: So ordered.

**Permission to Award VC026-2003:  
Towing of Abandoned, Nuisance and Wrecked Vehicles**

President Fanello: Next item. Go ahead.

Phil Lawrence: I'm sorry. Second, permission to award VC026-2003, towing contract. There are actually three contracts. The first two are, one is towing of abandoned vehicles, and towing of nuisance and wrecked vehicles. My recommendation is for the most responsive and responsible. I am recommending a split award. Hamrick's Diesel gets districts two, three and five. St. Wendel gets districts one and four.

Commissioner Mourdock: And by most responsive and responsible, does that mean who's available at that given moment?

Phil Lawrence: Yes.

Commissioner Mourdock: Okay. So, if something happens in district three, your first call goes to Hamrick, always.

Phil Lawrence: Always.

Commissioner Mourdock: But, if they're not available, it would go to someone else in district three?

Phil Lawrence: Not really. Actually, district two, three, and five strictly goes to Hamrick's. Districts one and four go to St. Wendel.

Commissioner Mourdock: Okay.

Phil Lawrence: St. Wendel, I mean, the district one and four is extreme west side.

Commissioner Mourdock: Right.

Commissioner Mosby: Okay, and the question I have here, I guess, you're saying by most responsive this is not the low bid?

Phil Lawrence: Correct.

Commissioner Mosby: Okay, because, I mean, I have a question about that, and, I mean, I have a problem, I guess, I've talked with you, I've talked with the Sheriff, and I hear us saying most responsive, most responsible, but nobody had documented why this is the most responsive, most responsible.

Phil Lawrence: Okay.

Commissioner Mosby: And nobody has documentation, you know, on any problems. I see in your spreadsheet, which I don't understand why we have bidders bidding hourly rates—

Phil Lawrence: They have, that's what they submitted. I mean, they were told to bid one way, and they bid another. I can't stop them. Mike's last year bid hourly rates, and, I mean, we accepted them last year. This year the other guy chose to—

President Fanello: Did you ask for a flat fee?

Phil Lawrence: Yeah.

President Fanello: Then why did we accept the bids if they're—

Commissioner Mosby: I was going to say, I don't know how to distinguish the two. I can only say, being in the towing business before, when I see a \$75 an hour bid against an \$85 flat fee, it is pretty obvious to me, drive time, recovery time, tow time, and out-of-the-box time, I'm going to say that that's going to easily become \$150 bid against \$85.

Phil Lawrence: At some times that's correct. I think, and perhaps I don't have the documentation from the county side that I had from the city side, but I've got a whole sheet of documentation as to the problems that we had with Mike's towing for the last two years. I mean, I wrote Mike's on February 2<sup>nd</sup>, and told him that he was in breach of contract for several things. Every two months, at least with the city, he's been 70 cars behind on the abandoned vehicles. In fact, today I understand the city called Hamrick's and told them to take the rest of the 60 vehicles that Mike was supposed to pick up that he has not picked up yet. So, it's, I mean, if saving money

and having Sheriffs in certain places for two hours because someone doesn't show, I mean, that's certainly your call.

Commissioner Mosby: Okay, are you going to give me documentation on that?

Phil Lawrence: I certainly can.

Commissioner Mosby: On the, I mean, I asked for that the other day from you through the county, and you said you had nothing on the county.

Phil Lawrence: I have very little on the county.

Commissioner Mosby: Okay, well—

Phil Lawrence: The Sheriff can—

Commissioner Mosby: I'm not concerned with the city right now.

Phil Lawrence: Okay.

Commissioner Mosby: Okay. I'm not concerned with the city. I mean, I'm looking at a bid that is, per se, going to be doubled on some things. On county owned vehicles, you know, I'm looking at that too, and there's no way that these bids, you know, are even close.

President Fanello: Anybody have any comments?

Commissioner Mourdock: Yeah, do you have the break down in front of you? I have just the annual (Inaudible).

Commissioner Mosby: It was in this folder.

Phil Lawrence: Yeah. I've had it a couple of weeks now. A month or so.

President Fanello: My only question would be to Kevin. If we ask them to bid on a flat fee, and they bid on an hourly, what do we do?

Kevin Winternheimer: Well, it's exactly as David said, it's hard to compare apples and oranges. Because one is bidding flat fee—

President Fanello: Because I can't—

Kevin Winternheimer: —and the other is bidding an hourly rate.

Commissioner Mourdock: But, let me clarify. If someone bids at a flat fee, if they bid \$85 versus 75 bucks an hour, that means if it takes them three bucks, or, I'm sorry, three hours to get it, you still charge them 85, or they still get 85 bucks, right? That's a flat fee?

Commissioner Mosby: That's what I was talking to him about rate. I mean, I can't...drive time from, if you're going way out in the county, I mean, you're going to have two or three hours invested in a run, which is going to make a run \$225, as opposed to \$85. That to me is not being responsive to the public. And county owned vehicles is on the second page, where we've got \$35 bids against no charge.

Or 30 and 20. I mean, I will just say, if Mike's is in violation of the contract, then they need to be notified of that via a, you know, registered letter--

Phil Lawrence: Yeah, they've given--

Commissioner Mosby: --given 90 days to--

Phil Lawrence: They've received several.

Commissioner Mosby: Okay, I mean, did you follow up on them?

Phil Lawrence: Every time.

Commissioner Mosby: I mean, did they--

Phil Lawrence: I mean, Safety Board, I mean, this is city. I mean, the county I don't get as much information. I get city because I'm here everyday, and they're right down the street. Basically, Eric said if they've got a problem, we've got a problem. So, that's--

Commissioner Mosby: And I had this conversation with the Sheriff today, and it's like I told him, if you have a problem, I don't have a problem with you sending them a registered letter, give them 90 days to clear it up, if they don't clear it up, just come back to this board. I mean, we can null any contract.

Phil Lawrence: Right.

Commissioner Mosby: I mean, if they're in violation of it, that's fine. I mean, if there's a problem with the lot, then I suggest they straighten the lot out. If there's a problem with the equipment, they need to straighten the equipment out. If there's a problem with service, through any of our public safety officers having to wait, then I suggest they straighten that out. I suggest they be given a 90 day notice to do that, so.

Commissioner Mourdock: Is that a motion? You say you suggest they be given a 90 day notice. Is that a motion?

Commissioner Mosby: Upon that, I will make a motion to accept Mike's towing as low bidder--

Commissioner Mourdock: Well, that's--

Commissioner Mosby: --and given a notice that if the Sheriff has problem, they straighten it out.

Commissioner Mourdock: Okay. That was different than what I thought I heard you referring to.

Commissioner Mosby: Okay.

Commissioner Mourdock: I thought I heard you referring to the contract as an issue--

Phil Lawrence: Right.

Commissioner Mourdock: --and should there be 90 day notice given to the contract.

Commissioner Mosby: Well, we're voting on the contract. This is--

President Fanello: The contract is up--

Commissioner Mosby: This is going to be the contract right here.

President Fanello: --December 31<sup>st</sup>, right?

Phil Lawrence: It's actually November 1<sup>st</sup>.

Commissioner Mosby: Yeah, we're behind on that.

President Fanello: November? Okay.

Commissioner Mosby: I'm saying, I'm making a motion that we take the low bid.

President Fanello: I have a hard time comparing them, because they're on two different--

Commissioner Mourdock: Uh-huh.

President Fanello: I can't compare them.

Phil Lawrence: Yeah.

Commissioner Mourdock: How can that be resolved?

President Fanello: I don't know, because if we put it out to re-bid, they already know, we've already given the information out here.

Phil Lawrence: Everybody--

Commissioner Mourdock: Well, I mean, we've done that before.

President Fanello: Yeah.

Commissioner Mourdock: I understand when you put something out for bid, in a sense, you're giving everyone a second bite at the apple,--

President Fanello: Uh-huh.

Commissioner Mourdock: --but we have done that before, if that's the best path.

President Fanello: My opinion would be we throw them out, because they're not comparable. That's my opinion. I don't know, I would defer to the County Attorney for that, but--

Kevin Winternheimer: That's always an option you have. The question, I guess, becomes with the low bidder, as David pointed out, is in your case, and your case may not be the same in the city, but in your case is the performance satisfactory? I guess, the one's who would answer that, primarily, would be the Sheriff's department. I guess, they're the main users of this service, and the County Garage, I guess, and your other departments. If I'm understanding the whole conversation,

I'm not totally familiar with all the facts here, but if I understand it right, in Mike's bid he did comply with your request and put flat fees.

Phil Lawrence: Right.

Kevin Winternheimer: But, the other bidder had some instances where he put hourly rates—

Phil Lawrence: Correct.

Kevin Winternheimer: —instead. So, the question is, I guess, before you decide to re-bid is do you want to do that again? Or is it even necessary, if you're satisfied with the bids that you received, and the low bid being in compliance with both the standards you expect, as well as, did he properly fill out his bid?

Commissioner Mourdock: I'm hesitant to do anything, and, Catherine said something to me about contingent, I heard the word, and in this sense of signing a contract, I'm personally hesitant to do anything that is contingent. But, I do agree, Catherine, with what you said before. I think it's very hard to evaluate these. I would feel comfortable if we put out a bid and said, the only way you are going to bid this is on a flat fee. If the people who previously bid it hourly, with the thought in mind that David is presenting that they know it's going to be two or three hours, if they don't like it, they are not going to return that on a second bid basis. If that's what it is, that's what it is. The second issue, and it's a separate one, I understand, and it may be a greater issue to the city than the county, but regarding the service under the terms of the contract, certainly, if we know, and if the Sheriff or others within the county want to let us know that we need to pursue some action, at least as far as a letter to clarify that service, then we ought to do that as well.

President Fanello: I think the, in the bids, and I've glanced over the bids, I mean, we need to document what type of service levels we expect in the bids.

Commissioner Mourdock: That's a good point, and certainly what is grounds for immediate termination.

President Fanello: Because my only, I mean, my issue with that, we don't have any documentation at this point, and the county....I haven't received any documentation.

Commissioner Mourdock: Okay. Well, let me do this, I'll move that we throw out all bids, and re-advertise, specifically, with the only way bids will be accepted will be on a fixed fee basis.

Commissioner Mosby: I'm not seconding that.

President Fanello: I'm going to second it, because I think we ought to throw them out.

Commissioner Mosby: I mean, I'm only going to say—

Commissioner Mourdock: I'm sorry, Catherine.

President Fanello: Second.

Commissioner Mosby: —I think that—

Commissioner Mourdock: Okay.

Commissioner Mosby: –it puts them at a disadvantage now that you have the bids on paper. It's obvious to me, if somebody bids \$75 an hour, if they thought it was going to take one hour, they would have bid \$75. It's obvious it's going to take over an hour, and that bid is going to be higher.

President Fanello: That's why I don't think–

Commissioner Mourdock: And if that's–

President Fanello: That's what he's saying. He doesn't think they will bid lower than that.

David Bunner: Madame President, may I?

President Fanello: Sure.

David Bunner: Mr. Hamrick, one of the bidders is here, and has asked me to inquire as to whether he could address the Commissioners on the issue of the hourly fees?

Commissioner Mosby: Sure.

President Fanello: Does that please the board?

Commissioner Mourdock: State your name, please.

John Hamrick: John Hamrick, owner of Hamrick's. The reason I bid that by the hour, now, there are certain things on these newer trucks you can't expect a person to go out there...I mean, supposing we have a tractor trailer turned over in the middle of the highway, do you all expect me to go out there for \$75, and turn that vehicle over? And he's lost his load everywhere. Do you expect me to do that for that kind of money?

Commissioner Mosby: I'm going off what the other bidder has bid.

President Fanello: Uh-huh.

John Hamrick: Well, if anybody's doing that for \$75, they're not going to be in business for very long.

Commissioner Mosby: I got one bidder at \$85, and one \$75.

John Hamrick: You go out and you get these trucks, they've got air brakes on them, and they're wrecked, all these trucks have to have the brakes backed off on them before they can be moved. You've got to pull the drive shafts and transmissions on these trucks. My bid was for big trucks only. One tons and bigger. There was no hourly on the small stuff.

President Fanello: Well, and you're not the low bidder on the hourly though.

John Hamrick: On the hourly?

President Fanello: Uh-huh. Because the towing of autos, Mike's is the low bidder.

John Hamrick: Okay, but, you know, you have to pull the drive shafts in these trucks, and all that stuff takes time. That adds up. Who's going to pay for that?

Commissioner Mosby: Well, that's exactly what I just sat here and said, and you're saying that I'm right.

President Fanello: Uh-huh.

Commissioner Mosby: I mean, I've got one guy that bid \$85, and you bid \$70 an hour. You're telling me that it's going to take two or three hours. Three hours times 70 is \$210 opposed to an \$85 bid.

John Hamrick: If I go out and pick one up, and it takes an hour, that's what will be charged, an hour.

Commissioner Mourdock: My response to that is if the bid is for a flat, fixed fee basis, per occurrence basis, that what you would submit as a bid would be something that's comprehensive. You probably are going to lose money on some of them, and you're going to make money on others.

John Hamrick: The present tower that you have is not even doing the big stuff. They're subletting that out to a wrecker company in Corydon, Kentucky. I know they're not coming over and doing tractor trailers for \$75 an hour. A flat fee of \$75.

President Fanello: Well, my problem is, I mean, when we put these bids out, and it's not just this bid, but I have to look at all the bids we look at, and when we ask for them to be bid a certain way, if they're not bid that way, then to me they are a non-responsive bid.

John Hamrick: Well, I can't bid those at, you know, a flat fee on that, because on trucks as you go out, you never know what you're going to get into with them. You never know what you're going to run into. I mean, they are liable to be down...in the county especially, not in the city, but in the county. They are liable to be down an embankment, in the middle of the median somewhere, out in the cornfield. You don't never know what you're going to run into when...you have to protect yourself. That's the reason I bid it by the hour.

President Fanello: See, I have to be consistent, and since I've been on this board I've tried to be consistent with our bids. If we've asked for it to be a certain way, and it hasn't been bid that way, to me it's a non-responsive bid. I mean, that's why we put the specs in there.

John Hamrick: Well, if you want to do it that way, that would be fine. I could re-submit it.

Commissioner Mosby: Are you going to re-submit at a flat fee?

John Hamrick: Yes.

Commissioner Mosby: Okay, well, because you just—

John Hamrick: But, I'll have an attached sheet to it.

Commissioner Mosby: Well, because I was going to say, because you just stood there and said I can't bid it that a way.

John Hamrick: I just said I'll bid it again.

Commissioner Mourdock: Yeah, I think in response to the comment I made that you would bid it in a comprehensive way. You might make a lot of money on some jobs, and you might lose money on some jobs. You just have to average it out.

John Hamrick: That's exactly right. You can't, I've had wreckers for 30 years, and messed with semis for 30 years now. You can't do it like that.

Commissioner Mourdock: I understand that.

John Hamrick: I worked the county many, many years before when I was with Walt's, and you just can't do it by the job.

Commissioner Mourdock: Yeah, when we bid this, Phil, did we bid it for, as Mr. Hamrick said, he only bid the large trucks, is that correct?

John Hamrick: Large and the small ones.

Commissioner Mosby: He only did hourly rates on the large.

Commissioner Mourdock: Okay, but he bid on the other vehicles, okay. Well, I'm just wondering is, if we do, or when we do re-bid this, if we give bidders who would only be responding to large trucks some other way of looking at it? That's just a thought, because, certainly, it's different than somebody's VW Bug.

Brad Ellsworth: Brad Ellsworth, Sheriff Vanderburgh County. A couple of the things, and I'll be glad to, from this point, since notification today to keep what I think, if I can get a copy of the contract to see what the stipulations are, but of things that would concern the Sheriff's department, obviously, is timely service. I know a few years ago when we did this, there was difference in time, and I felt that a wreck in the county, my guys standing in the middle of the street, traffic safety is just as important as in the city. If there is a 20 minute in the county, in the city, it ought to be 20 minute in the county also. Response time. I don't think there is anything that makes the citizens of Vanderburgh County less important. It would be important to us to have safe service. Drivers who know what they're doing, and know what to do when they get there. They have the right equipment to do it when they get there. And it's full service. That they clean up. That's, I think that's in the contract that they sweep, and keep the trash up, and they do that. Also that the yards, and it's convenient for the citizens. I know that the first place most people stop when they want to find out where to get their car, is the Sheriff's office is the one that has to send them, and tell them how to get there. If they get out of jail, and they've been, their car has been taken from, we have to tell them where to get there, and how to get there. That there is secure storage. I know that's in the contract for narcotic seizures, and sometimes cases are extremely important that our cars are secured in a safe manner. This might could be a, you know, murder committed in a car, where we have to have that secured scene, and I would insist on that from whoever gets the contract. Then ease of entry. You know, that it's kept in a fashion that we can get in and out, and the citizens get in and out of the tow yard and get their vehicles in a timely fashion. Also that the wrecker drivers keep their equipment in a safe and operable manner. I've seen some that, in fact, I almost pulled a guy over a couple

of months ago, in a wrecker, that looked like a mosquito fogger going down the road, and it turned out to be one of our wrecker drivers who we have our contract with. So, I would ask the Commission that, you know, that's embarrassing, the one that we use. I might have towed it with their own wrecker, another one of their own wreckers. So, that's just something, some of the things, but I will start keeping, and insist that we document, from this point forward, any complaints. Whoever this goes to, and provide that to the Commissioners in a timely fashion. Thank you.

President Fanello: Thank you, Sheriff.

**Permission to Award VC026-2003:  
Storage of Abandoned, Nuisance and Wrecked Vehicles**

Phil Lawrence: I guess, I would suggest that we wait on this. Well, it's up to you. It's your pleasure. Storage of nuisance, wrecked and impounded county vehicles, Hamrick was the low bidder. I mean, it's your pleasure.

President Fanello: Okay. Anybody have any questions about the storage? That was a separate bid, right?

Phil Lawrence: A separate contract.

Kevin Winternheimer: Let me, let me ask—

Commissioner Mosby: If you're gonna re-bid one, you just re-bid them all.

Kevin Winternheimer: Well, I was going to say, that would be awkward if you get a different tower.

Commissioner Mosby: Exactly.

Kevin Winternheimer: If it comes at a different (Inaudible).

Commissioner Mourdock: Is that not what you were saying? I thought that's what you were indicating.

Phil Lawrence: No. It's probably best that we wait. Since, if we have—

Commissioner Mosby: I'll just make a motion that we re-bid them all.

President Fanello: Okay.

Commissioner Mourdock: Okay. Second.

President Fanello: So ordered.

**Award APA017-2003: Guardrails to St. Regis**

Phil Lawrence: Next is to award APA017-2003, guardrail. St. Regis was the low bidder on that.

Commissioner Mourdock: Move the award as recommended.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: Did you give us something on that? Was there just one bidder?

Phil Lawrence: No, there were four. I didn't do it. John did the tabulation on that. He uses most of the, Stoll, most of the guardrail. He did the tabulation for guardrails.

Commissioner Mosby: Okay.

Kevin Winterheimer: Before Phil leaves the podium. Do you want to go ahead and set a bid date for those towing bids? When we can...I don't know how much lead time you need to advertise it.

Phil Lawrence: It takes, it typically takes a month.

Kevin Winterheimer: Okay, so, do you want to set sometime in January then to—

Commissioner Mourdock: Yeah, I'll move a bid date of January 27<sup>th</sup>? The 20<sup>th</sup> is a holiday, I think. Is it not?

President Fanello: Right.

Commissioner Mourdock: Okay, January 27, 2003 as the bid date.

Phil Lawrence: As the open date?

Commissioner Mourdock: Right.

Phil Lawrence: Yeah, the open date.

Commissioner Mourdock: Right.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mosby: I guess, my other question would be here then, Mike's towing contract runs out, what, December 31<sup>st</sup>?

President Fanello: It's actually in November.

Phil Lawrence: It actually ran out in November. We just continued to go month to month.

Commissioner Mosby: Okay. I was going to say, do we need to extend that, or make a motion to extend it?

Kevin Winterheimer: Does the language in the contract automatically extend it? I don't—

Phil Lawrence: We extended it last year. So, it—

President Fanello: So, it actually–

Commissioner Mosby: Last year.

Kevin Winternheimer: Is that okay? He's nodding that he's okay with that, so.

**Permission to Roll Pager Contract for One Year (Cater)**

President Fanello: I do have one other, two other, actually, on the back page of what I just gave you. Permission to roll the page contract for one additional year. Cater Paging is the vendor. There are actually four local vendors, and none of them wanted to bid on the service. It was too cheap. Cater guaranteed his price for another year. So, I think that would be in our best interest to renew that contract.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Permission to Advertise APA022-2003: Computer and Copy Paper**

Phil Lawrence: Finally, permission to advertise APA022-2003, computer and copy paper. The ad dates would be the 20<sup>th</sup>, 27<sup>th</sup>, and open on January 6<sup>th</sup>. This is all the copy and computer paper for the city and the county.

Commissioner Mourdock: I'll move permission to advertise.

Commissioner Mosby: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

**Open Bids for VC02-12-01: St. Wendel Road Bridge #1930 Replacement**

President Fanello: Next item is open bids for St. Wendel Road Bridge Replacement.

Kevin Winternheimer: Before I start, are there any bids from the audience on this? Seeing none. The first bid is from Blankeberger Brothers, Inc. from Cynthiana, Indiana. It's an itemized bid. Let me find the total. Total bid \$147,334.20. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total bid \$145,973.08. Next bid is from Accurate Underground Utilities, Inc. from Evansville. Their total \$172,550. The next bid is from D.K. Parker Company, Inc. of New Harmony, Indiana. Their total, \$137,033.80. I've got one more. The last bid is from, is it Ragle? R-a-g-l-e, Inc. from Newburgh, Indiana. Their total bid, \$128,858. That's all the bids I have.

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

Commissioner Mosby: Second.

President Fanello: So ordered.

**First Reading of GASB34 Ordinance: Capital Asset Policy**

President Fanello: Next item first reading of GASB34 ordinance, capital asset policy.

Commissioner Mourdock: I don't know that we, and I hope we don't have to read all this into the record, especially as first reading.

Kevin Winternheimer: No.

Commissioner Mourdock: Let me just read in the pertinent part here, that what we're putting before the Commission tonight is an ordinance establishing a capital asset policy for Vanderburgh County. This is something being recommended by the County Auditor. Suzanne, any comments regarding that?

Suzanne Crouch: No.

Commissioner Mourdock: Okay. Anyone here to comment on first reading? You startled me. I thought we had someone for the first reading of an ordinance. I don't think that's ever happened in eight years. Seeing none, I would move approval on first reading.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Health Department: Information on Smallpox  
Immunization Implementation**

President Fanello: Next item is Health Department.

John Heidingsfelder: Hi, John Heidingsfelder, County Health Officer. I wanted to come by and talk to you a little bit about smallpox, and to also introduce Dr. Pulcini, who wants to say a few words to you about our building committee, a sub-committee of the board. November 22<sup>nd</sup>, a few weeks ago, we had a conversation with State Health Commissioner, Greg Wilson, and he informed us of the decision of the President and the CDC to initiate an accelerated immunization program for the American people against smallpox. Now, smallpox is a disease that was eradicated in the 1970's, but is a potent, potential bio-terrorism agent. The plan that the Commissioner presented to us was a very accelerated plan, which called for us to begin immunizations, actually, before Christmas of this year. The plan has been modified somewhat in the last several days, because of liability issues relating to the administration of the vaccinia, smallpox immunization vaccine. Such that the federal legislation will not cover liability to hospitals, and to health care providers, and to individuals until after January 24<sup>th</sup> of next year. Legislation has been passed under the Homeland Security Act, which would allow the federal government to absorb that liability risk. So, that the program which was to have begun before Christmas of this

year, has been put off until January the 24<sup>th</sup>. Phase one of the smallpox immunization program involves immunizing public health teams, who's job it would be to immunize other people, and to also establish teams related to hospitals. The purpose of the teams at the hospital is primarily to care for individuals who may develop smallpox for the first seven to ten days of their illness. So, the public health team's purpose is primarily to immunize people at the hospitals, who then may immunize other hospital employees. Phase one involves the Health Department immunization of it's own personnel, and selected teams on a voluntary basis, from hospitals on a voluntary basis. Phase two, which is to follow very soon, or immediately after phase one, involves offering the immunization on a voluntary basis to all health care providers, all hospital employees, all emergency and public service employees, which would include police, fire department personnel. Emergency medical services personnel. The numbers that we're looking at for the first phase are probably in our region, and I need to mention to you that the State Health Commissioner has appointed Vanderburgh County Health Department to be the lead agency for 11 counties in southwestern Indiana. There are some responsibilities that I could talk to you about that, along those lines, but, basically, we're going to be responsible for the security and the handling and the distribution of the smallpox vaccination. At any rate, the phase two would involve immunizations on a larger scale. I think, in phase one we're looking at probably 300 people being immunized. In phase two you're looking at all hospital emergency, fire, police, EMT's, you're probably looking at thousands of people that are going to need to be immunized. The immunization is not a simple, as simple as it was back in the 1970's, for those who may have received a smallpox vaccination back then. You go in, you got your arm scratched, and you walked out, and that was about it. They're trying, the CDC is trying very hard to minimize the number of people who may develop complications of the vaccination, and to minimize the number of people who may die from the vaccination. There is a ten page protocol that we have to go through with each person to be vaccinated to determine whether or not they meet the criteria to be vaccinated at this time. Phase one and phase two involve medical personnel. Phase three is the immunization of all the American people, on a voluntary basis. It's projected that this would begin until late 2003, or early 2004, but the medical personnel should be in place and immunized well before that time. So, that, at least for now, I think, that in the next month or two, or three months, we're going to be looking at an immunization of phase one, Health Department, and immediate teams. Then, phase two would be all medical type personnel. I've been assured by the State Health Commissioner that any expenses incurred related to what we have to do will be paid for through federal funds, through the Bio-Terrorism Funds. Of course, you have to keep track of those monies, and you have to, I guess, file the papers at the right time to get reimbursed. So, I'm, and that's an important issue, because we're looking at a significant expenditure of Health Department personnel, and time in carrying out what the State Health Department and the CDC wants us to do. But, I've been informed that it's a budget neutral thing. Now, one of the things that we're looking at is that I may need to be coming to you in the near future to ask you about, perhaps, use of public facilities for immunization clinics. I may be asking you about agreeing to contracts for personnel, perhaps hiring of personnel if we don't have enough personnel within the Health Department, but to look expeditiously at any contracts that we may ask you to look at, so that we can move quickly to do what we need to do. I don't know if you have any questions about any of this. I know a lot of it has been in the media lately. But, that's, basically, where we are right now. It's been a very, it's been like an emergency, accelerated plan. Usually, what has been requested of us is something you do over several months. They are asking us to do it in days to weeks.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: I have two areas of questions. First of all you said you might have to, well, you said there may be significant expenditures. I'm going to ask you to define that. Significant, I guess, means you really don't know what they will be, but they will be a lot.

John Heidingsfelder: Well, if we have to have a place to put the clinic, the personnel that we're committing—

Commissioner Mourdock: Okay, that's question number two. Let me jump to that, because you said you may have to hire other personnel. If that happens, are those part of the revenue neutral? Is that, in fact, going to be covered under the Federal Bio-Terrorism Funds?

John Heidingsfelder: It's my understanding that it will be.

Commissioner Mourdock: Okay.

John Heidingsfelder: Some of the contracts may have to do with the handling of personnel. It can get a little bit complicated with having county personnel working overtime, on weekends to have a clinic such as this. It may be expeditious to have a separate agency, a non-profit agency handle the personnel issues, and actually apply for the funds from the state and federal government to pay for the personnel expenses. Rather than directly running them through our budget.

Commissioner Mourdock: On the facilities side, if, in fact....if, in fact, you need some other place to do this, I assume, again, based on what Catherine just showed me, the letter from the governor, and what you've said, that all those costs would be covered, but are there certain standards that have to come into place as to what the facility would be itself? Where you would be doing the immunizing.

John Heidingsfelder: Very specific standards.

Commissioner Mourdock: Are there any buildings in the community that you might think—

John Heidingsfelder: We're looking at the hospitals as supplying space, potentially. We're looking at, depending on which phase you're talking about, maybe the use of public facilities such as the Centre, the C.K. Newsome Center. We're looking at each of these facilities as far as space, the way the space is arranged, and the functions that have been enumerated to us as to how we need to do this.

Commissioner Mourdock: But, would a place like the Centre function for any other epidemiological needs that you have. I can never say the word. I try.

John Heidingsfelder: Epidemiological. That's a good word.

Commissioner Mourdock: Thank you.

John Heidingsfelder: Possibly.

Commissioner Mourdock: Okay, so—

John Heidingsfelder: So, phase one and phase two is coming down the pike pretty soon. Phase three may be towards the end of next year, or early 2004.

Commissioner Mourdock: Okay.

John Heidingsfelder: It's a big project, and it's been presented to us in very short order. The State Health Commissioner is also trying to respond to the directions from the Center for Disease Control. Of course, with the backing of the President.

Commissioner Mourdock: One last one I just thought of. Because of the liability aspect does that mean you will not be starting the process until the 24<sup>th</sup>?

John Heidingsfelder: The first immunization will not be given until the 24<sup>th</sup> of January. That's correct, sir.

Commissioner Mourdock: Okay.

John Heidingsfelder: So, that everyone will be covered under the new federal law that's been passed.

President Fanello: Any other questions?

**Dr. John Pulcini: Health Department Board:  
Discussion of Space Needs and Request for Action**

John Heidingsfelder: I would like to pass the torch to Dr. Pulcini so he may continue the discussion.

President Fanello: Thank you.

John Pulcini: Thank you. John Pulcini, board member of the Board of Health. Chairman of the search committee, and all it's attendant requirements. I'm here to, on behalf of the board, and the department, to reiterate, briefly, what Dr. Heidingsfelder's concerns are. Public health, in the past, was pretty much taken for granted, ladies and gentleman. Today, with the new evil forces that are in this world, we can no longer do that. With our county agency being designated the lead agency for 11 counties, there are extra significant demands that are going to be placed on this agency. They are, I think, a very fine agency, working in very difficult surroundings. This brings back memories of some of the meetings we've had here in the past, and I would like to back up and refresh our presentation to this Commission, which we very dearly wish to work with, and to accomplish our needs. The present Health Department is located in this building in a very cramped and difficult space in which to deliver the services that we need to do for those that are ill, as well as those that are not ill, that come here for various records and vital statistical information. At present, it's in this very critical complex, governmental building. I want to re-emphasize that, because I'm going to come back to that statement. At present we're in approximately 10,814 square feet. And we're dealing in cramped quarters where we have patients, and private customers coming, without health needs, down very long hallways. There is no close parking for the ill patients. We have patients actually being served in the hallway, and interviewed in the hallway. There are various governmental requirements coming down the pike. An eponym called HIPPA, it's truly a hippopotamus. It is such, it is well meant in the way of privacy and concerns and delivery of health care, but it is a supreme burden

being placed on all health care facilities. Not only the big ones, but governmental agencies such as our here at the Board of Health, and even in the little doctors offices. We, I think, will have very supreme difficulties conforming to those rules. I don't know what implication that would have if we're in default of the HIPPA rules. There are fines. Substantial fines, which we don't want to even get close to. So, I bring back the fact that we are in this very important, centralized government building. We're going to be dealing with public health issues that we hope and pray never occur. But, if they should, we're in the wrong location. In the very wrong location. We don't want to be here, where there is other governmental needs. In short, the scope of services for the Board of Health has been expanded substantially since the last time we were here to present to you. In short our space requirements remain insufficient. That's the same. We believe that timing is very critical that we do some things to try to accomplish the needs of our department, and provide some relief of the dangers as we see ahead. So, I'm here asking that you consider entertaining a motion and acceptance of two items. The first is that we request that all of the Board of Health space that's presently in this building be excluded from the space and allocation study. Removed, and that our space allocations be devoted to other governmental agencies that could use this space more effectively. We presently utilize about 10,814 square feet in a building that has 213,332 square feet. So, we're a very small part. That does not, my estimation, include the jail. Secondly, we request that you consider a motion that the Commission agree in principal to expeditiously study, review, and, hopefully, approve the purchase or renting of a facility, not in this building, for the services the Board of Health needs to provide. After we, as the search committee, review it, and present it to you for your study. Two simple, what we think are very appropriate motions for you to consider. The Board of Health is very, very concerned that our ability to function is directly impacted by the people that work in that department. Secondly, by virtue of the fact that we are located in this building, you have some influence on how well we can perform. So, we respectfully request you consider those two motions.

President Fanello: Did you, have you, did you take proposals on, did I hear that you got some proposals on—

John Pulcini: Yes, we did. Yes, we did, Ms. President. We had five. We reviewed them last Friday, and of those five, we believe four are worthy of further review. One, two of them are previously, were previously on the docket of a previous review. The other two are brand new. We are going to be doing the site searches.

President Fanello: Okay.

John Pulcini: All of those were rentals. One was a proposal for possible purchase. I can't tell you the price.

President Fanello: Will you be sharing those with us, so that we can take a look at them?

John Pulcini: Oh, yes.

President Fanello: Okay.

John Pulcini: We would like to make a site visit before we—

President Fanello: Okay.

John Pulcini: We're going to distill a little bit. That's really part of our operation is to try to pre-search, and we'll, certainly, give you any, answer any questions you have regarding as to why we eliminated certain of those.

Commissioner Mourdock: Go ahead, David.

Commissioner Mosby: You say you've done, I guess, got the proposals in. How did you go about, what criteria, or how did you go about contacting people to send a proposal?

John Pulcini: What we did, it was published in the paper, like we're supposed to do. And they responded to the advertisement in the paper. We had a, and then after they responded, then we gave them each a standard form, because you just had some experiences about inconsistencies, and asked them to fill in those spots. Some of those need to be refined, but the basics that came back, Commissioner, were reasonable to at least consider. That's all we're doing is considering. We're not...the other one was just not appropriate for what we're considering (Inaudible).

Commissioner Mosby: Are you still open to proposals?

John Pulcini: Pardon?

Commissioner Mosby: Are you still open to proposals?

John Pulcini: In principal, I suppose, we can be. The only thing that I have a question about, and that was raised at our little sub-committee meeting, was that in all fairness to those people that were asked to perform within a certain deadline, we felt we should review these first. We're certainly not in a position where we'd say if none of these were considered appropriate, we'll move on, and keep on looking.

Commissioner Mosby: I mean, I don't know who submitted proposals to you, but I just know that over the last six months I still have four or five people calling me, and asking me if the Health Department was going to take proposals. I had no idea you were doing this, so. I mean, I didn't see anything come through—

John Pulcini: It was published in the paper.

Commissioner Mosby: —that said you were out doing this. That's why I'm wondering if you're still open to proposals. I mean, I hate the fact that I told them we weren't accepting them at this time, and, I guess, you were.

John Pulcini: Well, I would ask Mr. Winternheimer. Technically speaking, since I'm not privy to what the rules are, exactly, but it would seem to me, that since we had put a deadline on some, I didn't know whether it would fair to reopen it again. I don't know.

Kevin Winternheimer: I think you could. You could entertain proposals (Inaudible). Have a new deadline, whatever. Let the others, sorry, let the ones that submitted modify them, if they wanted to. Anything to get the word out, because you have many criteria. Price is one important factor, but utilization of space, I'm sure, is up there equal with price, if not even superior to price, so.

John Pulcini: And location.

Kevin Winternheimer: And location, yes. But, yeah, I think you could.

Commissioner Mosby: I don't know that any of them would, I mean, I'm just, I just happened to read your letter, I guess, here recently that you had did this, and told people that I didn't know you were doing it.

John Pulcini: It was published in the paper, Commissioner. It really was.

Commissioner Mosby: I hope somebody wasn't going to send you one, and I told them no. So—

John Pulcini: The only ones that I'm privy of are the ones that were submitted during that time frame that came to the department.

Commissioner Mosby: No, I'm just saying people have....I've talked to people over the last four, five, six months. Some as recent as two or three weeks ago. I told them, I didn't think you was taking any proposals at this time. So, I hate the fact that I might have told somebody that, and you were, and me or you one is getting sued.

John Pulcini: Well, I tell you what, I think we should, I think we should be, as Mr. Winternheimer said, be open, because I think we need to, we need to look at all options, but timing we think is appropriately urgent.

Commissioner Mosby: I have no problem with you doing it. I just wish the communication was better. I mean, that's the only, I mean, I understand the need here right now, so it's definitely not a problem, you know, with what we're doing. It's just kind of like we don't know which page each other is on. That's the only problem I have.

Commissioner Mourdock: Along those lines, let me go ahead and say what I was about to say a moment ago, because that was one issue I wanted to deal with as well. You mentioned that you have the site review committee, and I know the Health Department because of your funding is somewhat independent of this board, in some ways. Would it be something your board would be willing to have on your site review committee if our Superintendent of County Buildings went to that meeting, or attended those site visits? So, at least we could then enhance communication between what you're doing and this board. That way the Superintendent of Buildings wouldn't have any voting responsibility with your board, or any decision making, but at least her presence there might somehow enhance communications. If that would be acceptable.

President Fanello: No, that would be Ms. Tammy McKinney. Right here.

John Pulcini: Oh.

President Fanello: And she works in our office full time. So, that way she could communicate back to us.

John Pulcini: I don't have any problem with that. I think that would be fine. Be fine.

President Fanello: Okay.

Commissioner Mourdock: I think that might just help the communication.

John Pulcini: Anything that would expedite.

Commissioner Mourdock: Exactly.

John Pulcini: So, getting back to my two recommendations.

Commissioner Mourdock: Where I was going. Going to those two, in the order that you gave them, I'm going to re-state one. I'll officially present it slightly different wording than you did, but I do think that it's time that the Health Department have space outside this building, for a lot of reasons, many of those you mentioned, just as far as the actual shortage of space, but I continue to have concerns about the separate HVAC systems that you need, and, I mean, there are just a lot of reasons this building was never meant to be a health facility. So, I would move that this board commit to having the space currently occupied by the Health Department look to assign that to some other government entity when the space allocation is completed so that the Health Department may be moved out of this building. That is a motion.

Commissioner Mosby: I guess my only question is, why are we making that motion?

President Fanello: We haven't really gone, I mean, Mr. Rector—

Commissioner Mosby: I mean, I don't have a problem probably with the second motion that he stated, and that's that this board, you know, look at moving the Health Department outside of the Civic Center. But, I don't understand why, all of a sudden, we're eliminating the Health Department from even being considered if, I don't know, for any simple reason we wanted to keep one office down there or something for Dr. Heidingsfelder, or somebody. I don't understand why we're doing that.

Commissioner Mourdock: Okay, well, your comment about the second suggestion Dr. Pulcini made is why I kind of re-worded what he had said initially. Because I think it's saying the same thing, but, you know, I think it's important that this board act to send the message to the Health Department and the people they are working with in their search committee, that it is our intention to have them locate somewhere other than in this building. I think that's what you're asking for, and quite simply that's what I'm trying to do with the motion. It would seem to me, with the space allocation study that we have on-going, since that is a formal process, that if we could say to Mr. Rector right now we voted on December 16<sup>th</sup> to say that that space should be used for someone other than the Health Department, it opens the door to communications within this building to try to get other people looking at that space constructively. So, that's my reason for doing it, but the second motion I agree with, or the second suggestion I agree with as well, David. If you want to do it that way, I'm fine with that.

Commissioner Mosby: I would rather just go with the second motion that this board is going to entertain in an expedient manner, try to find, or I'll say space outside of the Civic Center to serve the Health Department's needs in whatever fashion with the new mandates, or whatever, coming down. I mean, I'll make that motion. I just don't, I'll leave it at that for a minute.

Commissioner Mourdock: Yeah, I'll second that. As I said, I think it's time to find some other space for the Health Department, so.

President Fanello: I'll say so ordered.

Commissioner Mourdock: One out of two isn't bad, John. It's better than some of the other meetings we've had.

Commissioner Mosby: I mean, and I'll say the only reason I didn't...the first motion, I don't want us to be binded to looking outside immediately, and accepting whatever proposal just because we say the Health Department has to be moved out. But, I am all in favor of what you're trying to do.

John Pulcini: We appreciate this very much. Thank you very much.

Commissioner Mourdock: Obviously, I'm a barely ambulatory lame duck here, but—

Commissioner Mosby: I don't look at it that a way. I really don't.

Commissioner Mourdock: The comment again about the space allocation study, this board, and I know Dave Rector has spent a lot of time trying to figure out how we can use this space most effectively. I think the sooner they know that, yeah, it's a done deal, meaning they, the Building Authority, that that space is going to go somewhere else, I think it's going to help the planning for that group. So, it's—

Commissioner Mosby: I really think once they see us doing this, and we find you something that, you know, they'll make good use of that space, but I don't want to see people pushing you out of here before we have anything, and everybody saying just take it, you know, whatever, just to get them out of here so we can have their space. I don't want to do that.

John Pulcini: Thank you very much.

President Fanello: Thank you, Doctor.

Madelyn Grayson: We need to make a tape change, please.

President Fanello: Okay.

**(Tape Changed)**

Madelyn Grayson: Thank you.

<b>Voting Machine Application for Reimbursement</b>
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President Fanello: Next item is voting machine application for reimbursement. The County Clerk has submitted a completed form for us to submit. I don't know if the County Attorney has had time to review it.

Kevin Winternheimer: No, I have not seen the actual application.

Commissioner Mourdock: It's very straight forward, and I take it she got this probably from the Secretary of State's office.

President Fanello: Yes.

Kevin Winternheimer: It looks like a fill in the blank.

Commissioner Mourdock: It is exactly a fill in the blank. It's, I think, Catherine, your intent with this, and I think it's the correct one, is to put the Secretary of State's office on notice saying we're going to proceed in some way, but we don't know yet how we're going to do that. I think that's appropriate. So, I would move that we send this application on.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Precinct Re-Numbering**

President Fanello: Next item is precinct renumbering, and I don't have anything in my packet.

Commissioner Mosby: I think we want a motion to hold that till next week.

Kevin Winterheimer: Yeah, if I might just give a little explanation. I just recently found out about this, and I think the intent was that we not have any gaps in our precincts. When we re-numbered precinct eleven in ward one, and moved that into whatever other ward, and there was another one, I believe it was in the fourth ward, or moved to the fourth ward, that left non-sequential numbers. I think they were concerned that there were, there was no 1-11 anymore. So, they want to re-number. However, I want to look into this a little further, because if you do that, then City Council has to go back and act again, because they operate on the assumption that there was no 1-11, as an example, and this may not be necessary. There may be some time lines involved that we may not be able to meet. I think by holding it off, it's better than acting right now. Because I don't, I don't believe there is any specific reason other than just to avoid non-sequential numbers.

Commissioner Mourdock: Okay. Motion to defer.

Commissioner Mosby: Second.

President Fanello: So ordered.

### **Fixed Fee Contracts with Crowe Chizek and Baker and Daniels Bond Counsel and Accounting Services for Jail Project**

President Fanello: Next item, I included in your packets for consideration the fixed fee contracts for Crowe Chizek and Baker and Daniels. I guess, would ask if you had any questions.

Commissioner Mourdock: Read them over, and, again, I see the numbers here correspond, roughly correspond with what you presented last week. I did do a little investigation with the school corporation, and for their, I think it's just over \$50 million bonding that they are doing for the proposed vocational school, they're having all of the services provided at \$250 per thousand of the bond amount. So, just as a rule of thumb, we're not real far off of that, at least as I summarize these, but I thought that was interesting the way they bid it out, and, basically that was how the bid was responded to was \$250 for everything. Good numbers to keep in the back of your mind, rule of thumb.

President Fanello: Thank you. So, do I have a motion to accept these?

Commissioner Mosby: I'll make a motion that we accept the fixed fee.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: Was that for both?

President Fanello: I'm sorry.

Commissioner Mourdock: Yeah, they were both one agenda item.

President Fanello: Yes.

**Notice of Public Hearing:  
Consideration of the Adoption of a Resolution to Enter Into A Lease  
with the Building Authority to Provide Financing for the Jail Project**

President Fanello: The next item you have in your packet, and we will have something weekly for the bond issue on our agenda, but the next item you have is a resolution regarding the setting of a public hearing, and authorizing the publication of a notice of public hearing regarding certain related matters. Which, basically, to summarize means we desire to hold a public, the Board of Commissioners, desires to hold a public hearing pursuant to Indiana Code 6-1.1-20-3.1, regarding the consideration of the adoption of a resolution making a preliminary determination to enter into a lease with the Evansville-Vanderburgh County Building Authority to provide for financing for the project. Project meaning the jail project.

Commissioner Mourdock: And I'll go ahead and, well, let me say first in reading through, and I know, Catherine, last week I asked that we get a list of pros and cons, and I know that that's on the desk here—

President Fanello: Yes.

Commissioner Mourdock: —that I just arrived before we started the meeting, so I haven't had a chance to read it. So, I will go ahead and move approval of the advertisement for the hearing, but I'm still going to keep my options open on that one.

President Fanello: Sure, and we still have time to make any changes. Baker and Daniels was supposed to send down a draft lease. I don't know if Kevin has received it yet.

Kevin Winterheimer: I've received it, but I have not reviewed it.

President Fanello: Okay. Maybe before the next meeting we'll have time to review it. If any of the other board members wants a copy to review, we can get a copy to them.

Commissioner Mourdock: I'll second the motion to advertise.

President Fanello: And I'll say so ordered. As I understand it, Madelyn, Baker and Daniels has already delivered to the newspaper the advertisement.

Madelyn Grayson: Oh, okay. That's what I was going to ask.

President Fanello: Yes, and I have a copy to that effect in my packet here, and I can get you a copy for the record. If you want to make a copy, we can make one.

**Public Comment**

President Fanello: Next item would be anyone wanting to address the board in the public. Nobody.

**Old Business**

President Fanello: Old Business. Any of the other Commissioners have any Old Business? I have one small piece of Old Business. I spoke with Mark Owen this morning, who is the President of our county Redevelopment Commission, and Clifton Gunderson will have their report at the beginning of this week. So, they desire to meet on Friday to approve, possibly approve the calculations and the form to send to the Department of Government Finance regarding the tax levy. They will also discuss the Lynch Road Project. So, they, we talked about us approving the advertisement for that.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**New Business**

President Fanello: If there is no other Old Business, we'll move into New Business. I have two small items. We need to appoint our Area Plan appointment, since we are losing him at the end of the year. So, we would ask Ms. Crouch is she interested in serving on that board?

Suzanne Crouch: I would be honored.

President Fanello: Does the board want to make a motion to that effect.

Commissioner Mosby: I vote for Mrs. Crouch.

Commissioner Mourdock: How can I second that, she's a friend of mine too.

Commissioner Mosby: I'm sorry Richard, I couldn't vote for you.

Commissioner Mourdock: I will second that.

President Fanello: Okay, and I'll say so ordered. We had one other--

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mourdock: It is. I like it.

President Fanello: It's not.

Commissioner Mourdock: How do you know? You didn't (Inaudible).

President Fanello: And now I won't have to next year. The other one is our EMA Advisory Board, and I think they are just wanting us to re-appoint our members, which are John Buckman, Sheriff Ellsworth, and David Alexander. They needed these appointments before the 23<sup>rd</sup>.

Commissioner Mourdock: I'll move those re-appointments.

Commissioner Mosby: I was looking to see if he was...I second that.

President Fanello: Okay, so ordered. That's all the New Business I had. If there is no other New Business, we'll move on to department head reports.

<b>County Engineer</b>
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President Fanello: County Engineer.

John Stoll: First item, I would like to request to, approval to hire the Glenn Black School of Archeology at IU for an archeological study at the Greenriver Road and Millersburg Road intersection, for an amount not to exceed \$5,500. This is one of the things we have to do as part of the environmental work for that project. In their preliminary evaluation they said that there were some historic sites in the vicinity. Therefore, we're stuck with this.

President Fanello: That's one way to put it.

Commissioner Mosby: Motion to hire, what was the name of it?

Commissioner Mourdock: Glenn Black Laboratory.

President Fanello: Glenn Black Laboratory.

Commissioner Mosby: Yes.

Commissioner Mourdock: Funny, they seem to be the only one's in the state who do that business, and they are a statewide agency. I will second.

President Fanello: So ordered.

John Stoll: There were no signature lines or anything on that letter. I'll just get a P.O. on the basis of that letter.

President Fanello: Okay. Okay. Is this my copy for the record?

John Stoll: That's a copy for the record, yeah. Next I would like to request approval of streets in Section Five of Clear Creek Village Subdivision. This is 899' of Big Hill Drive, 905' of Gish Drive, 691' of Imperial Drive, 845' of Valleyview Drive, 405' of

Arbor Grove Court, and 345' of Harlie Court. It's requested these streets be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I've got a change order on the concrete repair of various roads contract. This is contract number VC02-08-02. The cost increase is \$11,122.34. The reason for the increase is there were just extra, there were additional areas of required patching on Vogel Road and in Copperfield Subdivision. We had overruns in concrete and rock in both those areas. It's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I have the INDOT county agreements for the University Parkway Project. These are the agreements that obligate our local funds for the local match for the project. Basically, these are obligating \$4,539,250 in county funds towards the project. It is, basically, an 80/20 split on the road portion of the project, and 100% local funding on the bridge portion of the project. We do have sufficient funds to cover this. Kevin has reviewed the agreements, and was okay with them, so it's requested they be approved. There is one minor, well, there is potential for a change on this, because I received these agreements from the Local Assistance Department of INDOT. They have not received their final approval from the Budget Department of INDOT. So, if the Budget Department does make any changes, I'll bring any addendums back to the Commissioners.

President Fanello: Okay.

Commissioner Mosby: Motion to approve the funding expenditures for Eickhoff-Koressel.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I wanted to let you know that we are soliciting quotes for a culvert replacement on Graff Road, and another culvert replacement on Schillinger Road. Those quotes will be due in in next Monday's meeting. The last item I've got, I went through the bids that were opened this evening for the St. Wendel Bridge, and everything was in order with the low bidder, which was Ragle, Incorporated. I would request that we award that contract to Ragle for the amount of \$128,858.

President Fanello: Do you—

Kevin Winternheimer: If you're looking at me, I never remember the amounts. So, I don't know who was low bidder.

Commissioner Mosby: We just opened them, that's why I didn't know if you wanted to review them.

John Stoll: I went through them back (Inaudible) discussion was going on.

Commissioner Mourdock: Is there any question, just, I mean, it was a very simple contract. Nothing that Kevin would need to review for any exceptions.

John Stoll: Right. It's just our standard contract. I went through all the bids, and found no errors on anybody's. Ragle was low, relative to everyone. I believe it was by about \$10,000.

Commissioner Mourdock: Okay, I'll motion that we go ahead and make that award.

Commissioner Mosby: Second.

President Fanello: So ordered.

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

President Fanello: No. Thank you, John.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Before the meeting I gave you a computer estimate for equipment that was requested to network the computers out at the County Highway Garage. The total estimate from Computer Services was approximately \$4,800. However, I'm going to request \$6,000, because some of the older computers may be, have to be upgraded on the software. It probably would not exceed \$6,000. The expenditure wouldn't take place until the first of next year, and, therefore, the computer budget was \$5,000. So, I'll have to transfer \$1,000 into that to cover it.

President Fanello: How much will you have to transfer?

Dennis Hudnall: \$1,000 out of printing.

President Fanello: And it's too late to do transfers. The Council meets on Wednesday.

Suzanne Crouch: You could do a late transfer.

President Fanello: Can they do a late one? What you need to do to get it on this Wednesday's agenda is call them, and see if you can do a late one. Otherwise, you'll lose your funds at the end of the year, and you won't be able to do it until—

Dennis Hudnall: Well, I don't, I'm banking on the funds beginning the first of the year. Because that's when the expenditure is.

President Fanello: Oh, you're looking at the first of the year. You're not looking at money you have left over right now.

Dennis Hudnall: No, ma'am.

President Fanello: Okay. Okay. I was thinking you had some extra money left over in your budget, and that's what you were, okay. That's fine.

Dennis Hudnall: Most of those are encumbered at this time.

President Fanello: Okay.

Dennis Hudnall: So, I'm going to wait until the first of the year to do that. So, I'm asking that this be approved. That I could go ahead and get the Auditor a request for all of these, of the computer equipment, so they can then therefore tell Computer Services to go ahead and order them.

President Fanello: And I'll just say, before you came on board, I actually, I went out to the Health, Health Department, Highway Department and looked at your computers, and we were trying to extract some information out there when we were going over some financial information, and they are in bad need of some updates out there in networking, so.

Dennis Hudnall: Well, this will allow us, we're going to set up a file server, and a hub, which all the computers talk together. It will allow us a greater speed and accuracy. A lot of the forms will be on the computer, instead of in the file cabinets.

President Fanello: Commissioner Mosby. We were talking about the computer, so, he's wanting to know if we approve it. He would like to have a motion.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mosby: I mean, I was listening and talking to John.

Dennis Hudnall: Thank you. The only other thing I have is you received my report, and do you have any questions?

President Fanello: I don't.

Dennis Hudnall: Thank you.

Commissioner Mosby: Thank you.

Commissioner Mourdock: Snow in the forecast tomorrow night again.

Commissioner Mosby: Keep up the good work.

**County Attorney**

President Fanello: County Attorney.

Kevin Winternheimer: I have three brief matters. One is a question for Madelyn. Did you ever get a copy of the River City contract for signature? I've got one here, if you don't have it.

Madelyn Grayson: No, I did not.

Kevin Winternheimer: I have it here. You've already approved it, it's just here's the, here's one for signature. The second item is, I received word that there's another poor relief appeal, and on this one I would, again, ask that you appoint me as hearing officer, and I will take it from there. If that's your pleasure.

Commissioner Mosby: Motion to appoint Kevin as the hearing officer.

Commissioner Mourdock: Second.

Kevin Winternheimer: And—

President Fanello: So ordered.

Kevin Winternheimer: —finally, on the lease for the Sheriff at the airport. I missed the deadline. I didn't realize we needed that much lead time to get it in the newspaper. They do cars in 24 hours, but our legal notices take, apparently, longer to get it in. In any event, I want to re-schedule that for the 30<sup>th</sup>. I have the notice here, and ready to go. We can have our hearing on the lease of that building on the 30<sup>th</sup>.

Commissioner Mourdock: Okay, I'll move that we schedule that hearing for the 30<sup>th</sup>.

Commissioner Mosby: Second.

Kevin Winternheimer: I'll give that to you, Madelyn, after the meeting.

President Fanello: So ordered.

Kevin Winternheimer: And that's all I have.

Madelyn Grayson: Was that motion pursuant to permission to advertise, as well?

Commissioner Mourdock: Yes.

<b>Superintendent of Buildings</b>
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President Fanello: Superintendent.

Tammy McKinney: The only thing I have is a late telephone request from the Sheriff's department.

Commissioner Mourdock: I'll move—

Tammy McKinney: He had a prisoner break a phone.

Brad Ellsworth: I can't believe that.

Tammy McKinney: So, I have one on order for you. Okay.

Commissioner Mosby: So, do we have to accept that.

President Fanello: Yeah, well, I mean, she had to go ahead and get one ordered.

Commissioner Mosby: Motion to accept late phone.

Commissioner Mourdock: Second.

President Fanello: So ordered.

### **Burdette Park**

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. First thing I have is, I guess, the report that ARC has started the steel building on the O'Day Discovery Lodge, and they started setting that up. Gary is doing fine after his operation. Should be back in about a week and a half. I have my work reports. I like the new podium.

Commissioner Mourdock: Yeah.

President Fanello: Oh, I didn't even notice the new podium.

Tammy McKinney: It has a slide out table that slides out.

President Fanello: Oh.

Tammy McKinney: No, on the side.

President Fanello: Does anybody have any questions for Steve?

Commissioner Mourdock: No.

President Fanello: Thank you, Steve.

Commissioner Mosby: Thank you, Steve.

Steve Craig: Thanks.

### **SWCD & Ozone Officer Reports**

Commissioner Mourdock: I'll move that we add the Soil and Water report to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: And with the Ozone Officer's report, she also provided me a letter today that I just want to read a brief sentence or two into the record from. Dr. Alexandrovich has been monitoring, as certainly her job requires, all of the changes in the clean air act, and she sent off a letter to Jan Tierney, who is the Air and

Radiation Law Office of the USEPA, regarding some, oh, directions that EPA is trying to do. This greatly affects, or could affect what happens to us with local air quality. Part of her letter says:

“I am, however, opposed to the USEPA entering into a Consent Decree, because it will likely have a negative impact on my community. We may receive a non-attainment “label”, yet the meaning of this label, largely considered to be a deterrent to economic development, is ambiguous and the economic consequences are unclear, because no legal implementation guidelines have been set.”

There’s a whole lot of the letter that goes with that language, but it says to me that, again, she’s doing a good job in keeping aware of what’s happening federally, and trying to protect our community. So, with that, in fact, we’ll add that to the record to. I move that we add her monthly, or her weekly report, and a copy of this letter to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

<b>Consent Items</b>
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Madelyn Grayson: There is one amendment to the Consents. The Accounts Payable vouchers.

President Fanello: Yes. We have Accounts Payable vouchers that need to be added.

Commissioner Mourdock: Okay, I move we add Accounts Payable vouchers to the Consent File.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: No other changes to the Consent File? So, I’ll move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Move adjournment.

Commissioner Mosby: Second.

President Fanello: We’ll start Rezoning in five minutes.

The meeting was adjourned at 6:48 p.m.

**CONSENT ITEMS:**

**Travel Requests:** Health Department

**Employment Changes:**

Circuit Court	Treasurer	Prosecutor
County Assessor	Burdette Park	

**Requests for Service:** Sheriff Department.

**Sheriff:**

Weekly Jail and Community Corrections Reports.  
Interlocal Agreements for Transfer of Inmates. (Henderson/Hopkins County)

**Auditor:**

KRONOS Contract for Prosecutor's Office.  
Accounts Payable Vouchers.

**County Clerk:** Submit Monthly Report for October 2002.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Will Fosse
David Bunner	John Hamrick	Brad Ellsworth
John Heidingsfelder	John Pulcini	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 23, 2002**

The Vanderburgh County Board of Commissioners met in session this 23<sup>rd</sup> day of December, 2002 at 5:34 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioner meeting, December 23<sup>rd</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Bill Fluty, County Auditor Elect; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

**Recognition of Commissioner Mourdock**

President Fanello: I would like to suspend our normal course of business here for a few minutes while we take a few minutes to recognize our out going Commissioner Mourdock. We have some things for you tonight. I would just like to say a few words, and then if Commissioner Mosby would like to say anything. I want to say it's been a pleasure serving with you the past two years. You have taught me a lot. I know we've had differing opinions, and differing philosophies, but it certainly has been a pleasure to learn from you for the past two years.

Commissioner Mourdock: Well, thank you. That's...I'm surprised. Whenever I hear suspend the normal things, I'm always getting ready.

President Fanello: Commissioner Mosby, did you have anything?

Commissioner Mosby: I would echo the sentiments of Commissioner Fanello, and thank you for all that you have done for us, I guess, since we got elected in 2000, took office in 2001. It was a learning experience, coming from the city, and quite the different job. I've had people ask me that, but I do appreciate everything you did to help us through.

Commissioner Mourdock: Well, thank you.

President Fanello: I would like to read a proclamation first:

"Whereas Richard Mourdock has served Vanderburgh County as a member of the Board of Commissioners since 1993; Whereas he has in his capacity as a member of the Board of Commissioners participated in decisions which have benefitted the residents of Vanderburgh County through projects such as the construction of the Centre, and the creation of the Welfare to Work Program; and whereas he has represented this board on committees and commission such as the Area Plan Commission and Evansville ARC with both commitment and distinction. Be it resolved this 23<sup>rd</sup> day of December, 2002 that the Board of Commissioners wishes him well in his future endeavors and

hereby honors him for his years of service to Vanderburgh County and its citizens by declaring this day Richard Mourdock Day in Vanderburgh County.”

We have a little plaque to give you, well, actually, we have several things to give you. All from the office. If you would like to read your—

Commissioner Mourdock: Sure, I'm overwhelmed here. Thank you very much. I have several plaques at home where Mourdock isn't spelled correctly. So, this one will have a special meaning, that the other “o” is in Mourdock. So, I appreciate that. So, thank you very much.

President Fanello: I'm going to let you go ahead and open this. We've got about three gifts here for you.

Commissioner Mourdock: I noticed in the policy we're going to go over today, on page 43, gifts—

President Fanello: Gifts—

Commissioner Mourdock: —and gratuities. Ah—

President Fanello: We know you'll be setting up an office somewhere—

Commissioner Mourdock: I will indeed.

President Fanello: —I'm sure.

Commissioner Mourdock: Well, thank you very much for the very nice desk set. That is really classy.

President Fanello: And we did go ahead and have it inscribed for you.

Commissioner Mourdock: Well, thank you. I'm truly touched.

President Fanello: And the girls in the office have picked this out for you.

Commissioner Mourdock: You guys went overboard here. For those of you who can't see it in the back of the room, it's a thing on leadership.

President Fanello: I thought it was, we thought it was perfect for you, since it mentioned goals, and you're always talking about goals.

Commissioner Mourdock: It is. It is. A leader with goals. So, thank you very much.

President Fanello: Then, we have one more thing for you, for you to hang in your office—

Commissioner Mourdock: My wife isn't this generous at Christmas.

President Fanello: It comes with a certificate. It's signed by the Indiana State Senate. This flag was flown over the Indiana State Capital on November 26, 2002 in honor of Richard Mourdock, Vanderburgh County Commissioner, in recognition

of his retirement and commemorating his outstanding community service. It's signed by Senator Thomas Weese.

Commissioner Mourdock: Well, thank you very much.

President Fanello: A flag to hang in your office.

Commissioner Mourdock: About an hour ago in this room, I was meeting with someone, and I said when I was speechless the best thing for me to do was just sit back and shut up. I only end up making a fool of myself, and that's probably what I'll do here, but this is very unexpected that you would do all this, and truly appreciated. Thank you all very much. It has been an interesting 415 meetings thus far on Monday nights in this room. I hope that along the way, at some point, I've offered a little, oh, something more than stubbornness, I hope, but a little bit of creativity, and, maybe a little bit of intellect, even, if I may, maybe go overboard there. I really have come to appreciate all the folks who work in government. Not just here in the Commission office, but in all of county government, because I know when I first came in to the office, I had certain, shall we say, preconceived notions of all those folks who work in government, and what motivates them, or what didn't motivate them, and over the last eight years I've learned a lot; number one, you shouldn't have preconceived notions, because there's that old thing about walking a mile in someone else's shoes. So, I've learned a lot from this, and, quite honestly, and I'll say this without apology, I don't know where my political career will go from here, but I hope to do other things. Maybe even statewide. As all of you know, I had that opportunity this past year, and came very, very close, but in politics close doesn't count for much, except to set you in a good position for something in the future. So, whatever comes, will come. If it doesn't, that's okay too. If we do have some success down the road, what I've learned here, and, well, counting next week, 416 meetings, I will try to put to good service. I will carry the memories of all the nights here, the hard ones, the easy ones, those nights when we banged heads, and those nights that went by very quickly, I'll keep them all in mind. I'm grateful for the experience.

President Fanello: You're welcome.

Commissioner Mourdock: Thank you all who are here.

President Fanello: You might want to open that up, and be very careful with it.

Commissioner Mourdock: Oh, that is really (Inaudible). That is really, really nice.

President Fanello: I thought that would be a nice addition to your office also.

Commissioner Mourdock: Yes, it will be. So, thank you very much.

President Fanello: You're welcome.

**Approval of December 16, 2002 Commission Minutes**

President Fanello: And now we'll get back to normal business.

Commissioner Mourdock: I'm going to squeak things here for just a minute before we start getting back to business.

Bill Fluty: You can put that together later.

President Fanello: You wouldn't be in a hurry to get out of here, would you, Bill? Our first item on the agenda is approval of the December 16<sup>th</sup> minutes.

Commissioner Mosby: So moved.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Opening of Bids for Old Courthouse Restroom Renovations**

President Fanello: Next item, County Attorney opening of bids for Old Courthouse bathroom renovations. Thank you, Mayor.

Kevin Winternheimer: Are there any bids from the audience on any of the projects tonight? Seeing none. Starting with the Old Courthouse, the first bidder is Deig Brothers Lumber Construction Company, Inc. of Evansville. The base bid number one, \$95,627; alternate number one, it's an add of \$4,810; alternate number two, an add of \$914; alternate number three is a deduct of \$2,500; and alternate number four is a deduct of \$6,000. The next bid is from Key Construction Company, Inc. of Evansville. Base bid number one, \$94,900; alternate number one, \$5,070; alternate number two, \$900; alternate number three, \$4,900; and alternate number four, \$7,000. The next bidder is Accurate Underground Utilities, Inc. of Evansville. Is there a bid sheet in there? Oh, okay. Base bid, \$104,813; alternate number one, \$3,900; alternate number two, \$1,470; number three, \$12,060; and number four, \$4,000. Next bid is from William H. Smith Construction Company, Inc. of Evansville. Base bid, \$106,000; alternate number one, \$5,227; number two, \$1,650; number three, \$11,892; and number four, \$3,737. The next bid is from ARC Construction Company, Inc. of Evansville. Base bid, \$107,350; alternate number one, \$2,855; number two, \$1,000; number three, \$5,715; and number four, \$7,975. The next bid is from Empire Contractors, Inc. of Evansville. Base bid, \$98,270; alternate number one, \$3,997; number two, \$800; number three, \$10,280; and number four, \$6,800. We have one more. Last one is from Lichtenberger Construction, Inc. of Evansville. Base bid, \$80,752; alternate number one, \$3,850; number two, \$889; number three, \$3,895; and number four, \$4,954. That's all the bids we have on that project.

Commissioner Mourdock: I would move that we take the bids under advisement.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Open Quotes for Graff Road Culvert #673 Replacement**

President Fanello: Next item is open quotes for Graff Road culvert number 673 replacement.

Commissioner Mourdock: I'll move we open the bids.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Are there any bids here to yet turn in for the Graff Road project? Seeing none.

Kevin Winternheimer: The first one is from Blankenberger Brothers, Inc. of Cynthiana, Indiana. Let me find it, their total quote, and it's an itemized bid. I'll just read the totals, \$22,555. The next one is from Deig Brothers Lumber and Construction Company, Inc. Their total, \$20,762. The next bid is from Koberstein Trucking, Inc. of Princeton, Indiana. Their total quote, \$24,600. The next bid is from CCC of Evansville, Inc. Their total, \$19,971.99. We have one more. The last bid is from Accurate Underground Utilities, Inc. of Evansville. Their total, \$22,014. That's all the bids we have on that one.

Madelyn Grayson: May we make a quick tape change.

Commissioner Mosby: Motion, yeah.

**(Tape Changed)**

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

<b>Open Quotes for Schillinger Road Culvert #1226 Replacement</b>
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President Fanello: The next item is open quotes for Schillinger Road culvert #1226 replacement.

Commissioner Mourdock: And I'll move the opening of bids. Anyone from the audience to submit a bid? There are none coming forward.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: The first bid is from Blankenberger Brothers, Inc. of Cynthiana, Indiana and their total is \$18,889.50. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville, their total \$23,534. The next bid is from Koberstein Trucking, Inc. of Princeton, Indiana, their total \$22,990. The next bid is from CCC of Evansville, Inc. Their total is \$17,394.64. The last bid is from Accurate Underground Utilities, Inc. of Evansville. Their total is \$18,602. And that's all the bids we had.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Mourdock: Second.

President Fanello: So ordered.

**Final Reading - GASB34 Ordinance - Capital Asset Policy**

President Fanello: The next item is the final reading of GASB34 ordinance Capital Asset Policy.

Commissioner Mourdock: And seeing no one in the audience who wishes to comment about this ordinance, this is the final reading, so I would move that we act to codify an ordinance establishing a capital asset policy for Vanderburgh County, Indiana otherwise known as the Governmental Accounting Standard Board Statement Number 34.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: We need a roll call.

President Fanello: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes.

**Discussion - Personnel policy**

President Fanello: Next item is discussion of the personnel policy. I think what we need to do tonight is we need to maybe try and make some decisions on a couple of things. Mainly like vacation, sick, personal time. I just went through and made some notes that Baker & Daniels had noted in their letter about our policy, so I didn't know if anybody has any questions and where they want to start. Kevin and I kind of talked about them before the meeting.

Commissioner Mourdock: Which page are you on?

President Fanello: Well, I've just got the letter with me. I didn't go through and write down the page numbers. The first one was drug testing and what they did in the policy is kind of tighten up our language on drug testing and I think the question that we need to answer is are we going to perform pre-employment drug and alcohol testing for all applicants? Because the way it was worded in our current policy it wasn't very clear.

Commissioner Mourdock: Routinely we have been doing that, haven't we?

President Fanello: Okay. I just...we just...I just want to make sure that we state that in the policy clearly.

Commissioner Mourdock: Yeah, I think for liability purposes if nothing else I think we need to go ahead and do that for all employees.

President Fanello: Okay. Oh, it said our current policy had stated employees and job applicants may be asked to undergo a drug test. And they're saying that we just need to make a decision, but you're saying, okay. The next item was the non-exempt and exempt employees and I know I've had several questions since I've been here over the past couple of years about comp time and overtime. I think, Richard, one of your comments was directed towards the letter. They had suggested that we tighten up our policy on comp time and that we make some decisions about that. I'm not exactly sure what procedures you want to put in place, but I think you had suggested that somebody be kind of the lead person on keeping track of that, maybe submitting the comp time to the Auditor's Office or something like that.

Commissioner Mourdock: That's right. There were actually two parts to my comment. That was one in that I know, and maybe, Bill, as Auditor Elect and as Chief Deputy Auditor wishes to speak to this, but I think we have to make sure we do a better job in standardizing what all the departments are doing to make sure the Auditor's job is simpler. The other comment I had, at least in the language that they had submitted, they said, and I am looking for the page here, I think it was 17.

President Fanello: Yes, page 17.

Commissioner Mourdock: Um, regarding compensatory time they say in lieu of overtime pay, the person will be given priority with respect to extra work assignments. Those words just, and, Kevin, maybe you can help us with that, but given priority with respect to extra work assignments sounds like opening the door for some charges of favoritism or something else. I just wonder if there isn't some language that we can put in place that otherwise takes away charges that you might otherwise be faced saying that somebody was getting favored treatment over someone else.

Kevin Winterheimer: I think all they meant by this was they were using the carrot method saying, you know, if you do it the way we want to do it then if we want you to take comp time instead of overtime that we'll look favored upon certain assignments. You're certainly not required to do that. I think that merely a suggestion as one of the carrot type offerings to get you to do what the county wanted you to do.

President Fanello: Because if we are going to allow them comp time in lieu of overtime or something we need to have them sign an agreement with us that they'll accept comp time instead of overtime pay and I think they did include a copy of the agreement at the end of the new policy which is something I don't think we had before.

Bill Fluty: Before when they got their new policy book they also signed a page that they have read it and understood that and I think the comp time was stated in there that they would get comp time rather than overtime pay.

President Fanello: They think we need to have a specific page addressing that and they wanted to tighten up that language. So I guess—

Commissioner Mourdock: Before we leave the subject, Kevin, attorneys are good at reading sentences three or four different ways. Do you read that in any way as I do, that it poses a bit of risk to a manager? I mean, those words:

“Will be given priority with respect to extra work assignments.”

That just somehow seems to me that it's a bit of a potential trap. Do you not read it that way at all?

Kevin Winternheimer: I didn't read it that way when I read it. You know, whatever criteria that we use the department heads or elected officials will obviously give, if it is available, certain work to certain individuals. What criteria they use, they're suggesting here it's if you go along with our policy of using comp time instead of being paid for it they're going to use that. I didn't see the big trap that you were looking for.

Commissioner Mourdock: I'm not looking for one.

Kevin Winternheimer: I know, it's just that you noticed—

Commissioner Mourdock: Yeah, okay.

President Fanello: That's something, I guess, that we can think about over the next. I mean, we're not going to pass this tonight. This is just to bring up things that Kevin can research and decide on. I guess we're in favor of the departments turning in their comp time to the Auditor's Office. Is that...was your suggestion, Commissioner Mourdock?

Bill Fluty: Currently offices do turn in the time, comp time, to the office. Many offices, not all. Through the KRONOS timekeeping system it comes through automatically. Some offices participate, but not all.

President Fanello: Right, I think we would probably want to take the step to require all offices—

Commissioner Mourdock: Exactly.

President Fanello: —to submit that time. Commissioner Mosby, is that okay with you?

Commissioner Mosby: That's fine.

President Fanello: Okay.

Kevin Winternheimer: I don't know if you wanted to go a little step further and have a statement in there, unless I missed it, that if you do work extra time the department head or elected official is encouraged to schedule that off time for the employee in lieu of banking it or if you wanted to set a bank limit or that kind of thing. You know, I'm saying those are additional issues you may want to just think about.

Commissioner Mourdock: The bank limit I think is something that very differently needs to be considered because I know that over the years that I've been here that has consistently been a problem when number one it wasn't tracked as accurately as it might have been. I think we're getting better with it every year, but then we also have people claiming lots of comp time that probably goes over the range of

reasonableness, so if we could establish some sort of bank that would be a huge help.

President Fanello: Okay, we can be thinking about that over the next few. The next thing that I noticed that I think we need to clean up is the wording of the vacation, sick and personal time. Baker & Daniels noticed some inconsistencies first of all of how the sick leave was handled when a person was terminated, but also I have a very...I think it is very confusing the way we have it worded in there about the vacation and sick and personal time, how it is awarded. I think it is page 28. Actually, page 29. It says new employees hired on or before June 15<sup>th</sup> will receive five working days of vacation to be used during the calendar year. Employees hired on or after June 16<sup>th</sup> will receive ten working days of vacation at the beginning of the next calendar year and may use five of these days after they complete six months of employment. I almost think I'm working an algebra equation in there. I think it would be better and Kevin and I talked about this, I mean my suggestion is, you know, we pro-rate the vacation, sick and personal time on a monthly basis. That's, I think, the way we've gone in our union contracts and that seems to be a very consistent method because it almost looks like in certain situations they get some vacation time up front and then you have a problem whenever they resign that they have overused their vacation or sick time. I know that has happened in a couple of offices. As Baker & Daniels noted I think the policy has been to dock an employee's paycheck, their last paycheck, but that is not a proper legal procedure, so I would suggest we pro-rate it on a monthly basis.

Kevin Winternheimer: That is the way the city does it in case you're curious, but they've been doing it that way for years and years. I think for over 20 years. They were doing it that way when I started. You are at point whatever the numerical point is days per month that works out to two weeks a year. As you go up your steps it increases.

Commissioner Mourdock: In that first point day of vacation is after your first month?

President Fanello: Uh-huh.

Kevin Winternheimer: Yes.

Commissioner Mourdock: So you don't get anything during the first month.

President Fanello: Not the first month, after the first month of your hire date.

Commissioner Mourdock: I agree.

Commissioner Mosby: I agree.

President Fanello: Okay. In military leave they had a couple of questions about, first of all our former policy did not include all branches of service that said reserves or the national guard. so they have changed the language to include all branches of service, and the second issue was the health insurance. Our wording says that we will pay for the employee's health insurance during his entire military leave, and they said that's really kind of an unusual policy and wanted to know if that was the way we wanted to keep doing it or if we wanted to do it any different, because under federal law you are only required to pay...to offer them health insurance for 18 months.

Commissioner Mourdock: And that's reserved for...or that's offered to those who are in active duty or in the reserve?

President Fanello: Yes. In fact, they actual...let me go back here.

Commissioner Mourdock: And we're required to do it for 18 months?

President Fanello: He said federal law only requires employees to provide health insurance for the first 18 months of military leave. Moreover, after 30 days the employer may begin charging the employee the full premium plus a two percent administrative fee. After 18 months the employee experiences a qualifying event and is eligible for COBRA. He wasn't sure that we, you know, we really wanted to pay the full health insurance while they were on their full term of military leave of absence. He thought that might be strapping us financially.

Commissioner Mourdock: You may well disagree with me on this one. Even though we are required to do it for 18 months given the service that people do in the reserves I don't have a problem with that. In fact, would be willing even to take it maybe to two years. I doubt that we would incur that very often. I think whenever we've had people on reserve duty I don't know that it has ever even approached a year, let alone 18 months, but I would be comfortable even up to two years because the service they provide.

President Fanello: And I'm just bringing it up just so that we get it clarified because they just want to make sure that we understood the law and if we wanted clarify it any further. So you're saying two years?

Commissioner Mourdock: I would be comfortable with two years.

President Fanello: Commissioner Mosby, any thoughts?

Commissioner Mosby: (Inaudible.)

President Fanello: Okay. Um, I don't think there was any...I mean, they added a lot of...or kind of tightened up language on several policies such as the sexual harassment policy, e-mail policy. I mean, employees are going to be informed in the personnel handbook that, you know, e-mails are not private and they may be monitored by anyone in the county. Their supervisor, department head, elected official or whatever. I think they have also put some strong language in there about workplace violence and employee conduct. They went through and simplified the language on that also. So I guess those were kind of my issues as I read it. Things that I thought we need to discuss, if anybody has anything else.

Commissioner Mourdock: You and I had swapped some e-mail on one issue regarding alcohol use.

President Fanello: Yes.

Commissioner Mourdock: Those who drive vehicles and I have looked back through this and couldn't find that. Did that not have muster?

President Fanello: This is the same copy. We haven't changed anything yet, so I don't know.

Commissioner Mourdock: Okay, so they did not include a new striked up version with that suggested language?

President Fanello: That's the same version. We don't have a new version yet.

Commissioner Mourdock: Okay.

President Fanello: I wanted to wait until we got here tonight to talk about it.

Commissioner Mourdock: Okay, well that just to avoid problems that have occurred in the past regarding county employees who consume alcohol and then drive a county vehicle my suggestion would be that we put some hourly limit to say that, and pick a number, no county employee shall drink anything for 12 hours in advance of driving a vehicle. I know from a prosecutorial sense that if someone is caught they are going to look at what their blood alcohol is, and for different people depending on what they've consumed that could show them intoxicated, it might not, but to me that's not good enough. It's just the fact that they have been consuming alcohol before they got in that vehicle, I would like to say that if we know they've done that within 12 hours prior to driving that vehicle they are subject to termination.

President Fanello: Kevin, do you have any thoughts on that?

Kevin Winternheimer: No, and I talked to...not to Greg Utkin, but to his associate and said that I thought the Commissioners would consider that and he said that would be at your discretion and they could certainly put that in if that is what you wanted to go with.

Commissioner Mourdock: Well, it would make some decisions a lot more clear cut when people have in fact done that. They've done it in the past and I suspect they'll do it again. The answer well, I only had one beer, doesn't carry muster at that point. It's a matter of when, not how much. It's a lot easier to make termination decisions based on that kind of ironclad simple policy than on a blood alcohol content that nobody passed.

President Fanello: I don't have any problem with that. Commissioner Mosby, do you have any thoughts?

Commissioner Mosby: Yeah, I just need to think about it. It's not that I have a problem with it. I guess my concern is—

Kevin Winternheimer: I don't know how, I'm not the medical person and I don't know how fast the body dissipates if you're going to ask me those kind of questions, whether 12 hours or you're asking the wrong person. That information is available, but I don't know what the appropriate time period would be.

Commissioner Mourdock: The reason I picked 12 hours is that is what the FAA uses. I mean, I know there is one set of rules and regulations used by a government agency, not a state agency certainly, but they have a 12 hour limitation. Fortunately, we don't have county employees flying 767's.

President Fanello: That's a good thing. Well, we can think about it over the week and maybe you can get with Kevin, Commissioner Mosby, if you've got any

thoughts on that. Other than that I don't have any other comments unless anyone else does. Alright, so, Kevin—

Kevin Winternheimer: Did you want to discuss the roll over aspect—

President Fanello: Oh, that's right, vacation time and I have mentioned this before. I am not in favor of employees losing their vacation at the end of the year because I think if they have earned it during the year but something has come up and they haven't taken it, the office has been too busy, or maybe they couldn't afford to take a vacation I don't think it is fair that they lose that vacation at the end of the year. That's my personal viewpoint. They have earned it and I think they deserve it and I think it should roll over.

Commissioner Mourdock: My comment on that is vacations are given almost as a health policy. I mean, we want people to take time away from the job. On those rare instances, and I'll use the highway garage as an easy example, if we got some employee out there that was planning on using his vacation here during the last five or six days and all of a sudden we get a bunch of snowfall and we need every person out there then in that case, obviously, we need the person working and I don't mind paying for him, paying for that vacation on that kind of basis. But I know what will happen because there are a lot of people who would rather take the money than take the time and they just work the hours and then bank the vacation time and take it in a check and I don't think in the long run that is good for us. So on those almost emergency basis I am okay with that. We've had one come through like, as you know, quite recently where it was exactly that situation, but I think as a blanket policy if you say we'll pay your vacation if you don't use it you're going to find out that you're going to pay for a lot of vacation that never gets used.

President Fanello: I'm not saying pay, I'm just saying they can roll over maybe so many days and you have a limit on how many days they can roll over.

Commissioner Mourdock: And they have to roll them over immediately? In other words they can't carry 2002 vacation into 2006?

President Fanello: Right, they could maybe roll over...like say they didn't get to take three days in 2002 and maybe you let them roll those three days over to 2003, but maybe you just have a limit on the number that they can accumulate.

Commissioner Mourdock: And if you are talking something like three days that's not as big an issue. I can live with three days, but when we have people with two and three weeks I'll guarantee you they're going to be banking two or three weeks. Again, I don't think that's the purpose of vacation, so if you're saying you want to the policy to read that it is three days—

President Fanello: I'm picking a number out of the air, but I think you could have a limit on the maximum amount that you let them roll over.

Commissioner Mourdock: Well, I could support three days and additional days for that kind of emergency type situation I described.

Commissioner Mosby: I would support something like that if they didn't have any comp time on the books, but I mean we're already trying to curb comp time right now. In the union contracts we're trying to put a limit on it as to what kind of liability

this county is already incurring. I would say we do something similar...in the Fire Department over in the city that if you have no comp time in your bank you can convert a vacation day. So I would say an employee could convert three days and put 24 hours over into his bank if he wanted to, to be taken at some point in time, but I would only do it in the case that you didn't have comp time. But if somebody has got 450 hours of comp time in their bank I can't see letting them start to accumulate vacation days because all you're doing is putting this county at more of liability. I would go for some converted time if somebody wanted to convert vacation over to comp.

President Fanello: Maybe Kevin could check it out and maybe we could bat around some language or something. I just know we have one person in our office who is losing four days this year, so there has just been time she hasn't been able to take it.

Bill Fluty: Let me comment on that. For eight years I have been involved with accruals for the county. We've implemented the KRONOS timekeeping system so I am very familiar with why we do certain things different ways and the vacation and why there is an argument. You've got a case for why you would like to and I think there are many cases out there why it does...why it is disruptive to an office to change the policy that we have on vacation and to carry overtime. We actually have comp that we carry over now which is a liability which we actually do a total on at the end of the year. We actually do a sick bank total liability accrual that is turned into the State Board of Accounts to tell us how much we do owe if things come to a head. In the Auditor's Office we have 25 people and they are required to take their time and they have all met that requirement for the years that I've been there. It's a scheduling issue, it's a management issue and we seem to be able to complete it. We have many people with six weeks vacations. If they would carry more vacation into the next year it would just...sooner or later there is going to be a new problem. We know what we have know, but it's going to create a new problem trying to let those people off in that time and then that banked time is another issue. Where is the money going to come from when we do buy them out?

President Fanello: Well, that's why I'm saying you have a limit.

Bill Fluty: If you would like that sometime I could be involved in those discussions because we actually do keep track of the vacation, sick, comp and personal time now and we do actually pro-rate those times as we come out as many offices do. I think Eric is one of the best that the Sheriff is keeping their time and he might have some comments on vacation.

Madelyn Grayson: May I make a quick tape change?

President Fanello: Sure.

**(Tape Changed)**

Eric Williams: Chief Deputy Williams, Sheriffs office. As an office that has an excess of 260 employees, I would just ask that if we could get copies of that, and maybe sit down with you all to give you some input as to the ramifications that some of those decisions on the management of an office of that size, with the resources we have available is. It's been tough to get where we're at. We're not opposed to changes,

or looking at anything you're talking about, but we would like to at least be a part of that conversation with you all, as you make those decisions, because they will have pretty far reaching impact on our operation.

President Fanello: I guess, I don't, I don't understand, because to me it's a stroke of a keystroke on a keyboard, keeping track of stuff, but, I mean—

Eric Williams: You haven't seen our keyboards.

Commissioner Mourdock: Yeah.

Bill Fluty: Currently, right now, our KRONOS system is set up to not allow anything coming forward. That's a programming change. Then our software where we do the payroll, which is Ultipro, which is another software change. That would be a programming change also. We have programmed both sets not to do what you're asking to do. Not that they couldn't be changed, but there is, it's a tumbling effect. It's just not saying we do this now. We actually, the Sheriff has a personnel policy book of their own, which they follow. Which is somewhat different than the policy you're looking at right now. Superior Court has a policy, Circuit Court has a policy, and you also have three or four union contracts. So, each change you make, it tumbles.

President Fanello: So, why do we have so many...I mean, I can understand why the Sheriff Department has a different policy, because they have some state statute things, probably, that they follow, but why do all these other people have different policies?

Eric Williams: Eric Williams, Chief Deputy in the Sheriff's office again. That's one thing that we would like to participate in that, because in those areas that there is no reason for us to be different, we would like to be the same as everybody else. It's happened over time, and we've got a policy book that's three times as big as the county's, in general. There's some things we do because of statute, and because of the merit system, and those things, but there's a lot of things that we've just done out of past practice, that if we could get those to meld back together where it makes sense, because I know everytime that we have a retirement—

President Fanello: Uh-huh.

Eric Williams: —or somebody leaves, it's a nightmare dealing with the Auditor's office. No fault of theirs or ours, it's just three different contracts, a deputy's policy, civilian policy, it all needs to get melded together somehow.

President Fanello: So, you're interested in setting down and maybe coming, being part of this policy.

Eric Williams: Myself, and our personnel director would be happy—

President Fanello: Okay.

Eric Williams: —to do anything we could to help make sense of this.

President Fanello: I didn't realize there were so many policies out there.

Bill Fluty: True, but we've, we do have this down pretty well now.

Eric Williams: Right now, we have it to a science.

President Fanello: Well—

Eric Williams: That's why you've scared me.

Bill Fluty: In all these issues—

Eric Williams: (Inaudible) in place.

President Fanello: Well, I don't see the purpose of us having four or five different personnel policies out there. Not only does this, is that bad for the departments, it's also bad for the County Attorney if a liability situation ends up, and he's got to go back and interpret three or four or five different personnel policies.

Eric Williams: Agreed upon. That's, I think Dave Mosby, in our contract negotiations are striving very hard...we've had three distinctly different contracts with employees working side by side, under the same union, with different rules and regulations, just because of how their contract was negotiated. Those are things we're trying to get straightened back out. It is a mess.

President Fanello: Okay. Well, it's sounds like we need to check out what other things are out there, and see if we can't get one uniform policy. Is there a written policy over in the courts?

Bill Fluty: They do have a written policy.

President Fanello: Okay.

Commissioner Mourdock: At least one.

President Fanello: If not more. I think we probably need to, Kevin, if we could, maybe, get a hold of those, and take a look at those, because I did not realize that the courts had their own policy.

Kevin Winternheimer: I believe also, at one time, we were looking at, and I'm not asking for a decision tonight, but whether you were going to allow credit for people to work in the Trustee's office or other governmental units. So, just keep that in the back of your mind—

President Fanello: Okay.

Kevin Winternheimer: —as one of those areas that you, is out there, if you want to consider it. You're certainly not required to, but—

President Fanello: Right.

Kevin Winternheimer: —you may.

Commissioner Mourdock: That is a good point, because you need a basis of consistency. We've had that come up for the benefits—

President Fanello: Uh-huh.

Commissioner Mourdock: –for the Trustees offices, quite recently. We need to make sure there's a pattern of consistency for however those people hop from job to job, as we all know they are prone to do.

President Fanello: Well–

Kevin Winternheimer: Then lastly, whoever in your office is losing those four days, it seems like that's a management request. They certainly should be allowed to carry those over, if management is telling them they have to be at work and can't take their vacation, I don't know, just a thought.

Commissioner Mourdock: Okay.

President Fanello: My thought too. I guess, we'll check out the other policies over the next week or so, and tighten up this language, and come back with a formal policy after the first of the year.

Commissioner Mourdock: Okay.

Kevin Winternheimer: One last thing, Bill, do you have those court personnel policies? Do you have a copy of that somewhere?

Bill Fluty: I believe I do.

Kevin Winternheimer: Okay. If you could have someone make me a copy, and I'll take a look at that. Because I was not aware that was out there either.

Bill Fluty: They are very similar to the policies we have. It's not that far off.

President Fanello: Well, there's just...I think it would be better if we just have one document. I think everybody would be happy.

### Precinct Re-Numbering

President Fanello: Okay, next item is precinct re-numbering.

Kevin Winternheimer: Yes. As we discussed last meeting, it was proposed to, if I can find my notes. Let me get them in the right order here. To renumber so that the wards have sequential precincts. It was proposed that renaming precinct 1-16 as 1-11, because there, currently, does not exist a 1-11, because we had moved that back in November. To rename precinct 2-17 as 2-6. Same thing there. I talked to, who was it? I talked to someone up at the state election office last week, and they said, no, if you're just renaming precincts, you can do that at any time. They didn't see a problem, if that's what you want to do. Just notify them of what you're doing. I emphasize we are not changing any boundaries or anything like that. It will necessitate that City Council go back and re-do their ordinance, because when they established the councilmatic districts, they do not currently have a 1-11 or a 2-6, because they shifted those to other wards, and just left them blank.

Commissioner Mourdock: Okay.

Kevin Winternheimer: So, it's your prerogative, if you want to do this, that's fine. They will go back and change their ordinance. I guess, with the coming election, if you want to do it, now's the time.

Commissioner Mourdock: Yeah.

Kevin Winternheimer: So—

Commissioner Mourdock: I would thereby move that we rename precinct 1-16 to be 1-11, and that we also rename 2-17 to be precinct 2-6.

Commissioner Mosby: Second.

President Fanello: So ordered.

Madelyn Grayson: Kevin, is there paperwork to be signed?

Kevin Winternheimer: I've got all kinds of copies.

Madelyn Grayson: Thank you.

#### **Representation Letter for Clifton Gunderson**

President Fanello: Next item is representation letter for Clifton Gunderson. I talked with Kevin about this last week, and he believes the County Auditor should sign that letter. It needs to be signed before we can get our final report. So, I think, Tammy did deliver one down to the Auditor's office, but I think she's been out. So, Bill, if you could maybe bring that to her attention when she comes back. We do need that right away, so we can get our final report.

#### **Public Comment**

President Fanello: Is there anyone else in the audience wishing to address the board at this time?

#### **Old Business**

President Fanello: Old Business.

Commissioner Mourdock: One brief bit of Old Business. This is a good night to do this, I think, given all of the things on the back wall here. We have been looking for members that we needed to appoint to the Old Courthouse Advisory Committee. I was approached by someone who's got a great interest in old buildings, old architecture. Actually has studied architecture a little bit in Europe. Has a lot of interest in interior design. A degree in landscape design, and has been looking for a way to do some public involvement. If this were not two weeks from, or one week from my last meeting, I wouldn't be making this recommendation, but I would humbly put before you the name of Marilyn Mourdock, who would like to be on the Old Courthouse Advisory Committee. So, and for those in the audience, it is a non-paying, non-compensatory board. I know she's interested, and she asked if I could make such an appointment. Given that my time is about to run out, I thought it appropriate.

Commissioner Mosby: I will happily second that.

President Fanello: Did you make the motion?

Commissioner Mourdock: I move that we appoint Marilyn Mourdock to the Old Courthouse Advisory Board.

President Fanello: And you seconded. I say so ordered. We still need two more appointments. Thank you, Richard.

**New Business**

President Fanello: New Business, the Mayor brought over a letter to the Governor, that he is sending to the Governor regarding I-69, and just urging him to make the decision this year. Which we only have a few more days. He wanted to know if we would be interested in sending a letter also. So, if that's the wish of this board, we can certainly draft a letter this week.

Commissioner Mourdock: Most assuredly. A thought I had along those lines the other day that, obviously, will carry past the first of the year, but I'll offer it up anyway. The Governor is currently doing a lot with his Energize Indiana Plan. I'm trying to do some things on the economy. Obviously, that's a good thing to do. I'm wondering if the various County Commissioners, along that route, went together to declare, basically, like a economic development pact along that I-69 corridor. If that wouldn't also help send a message to the Governor as to the need for not just the route, but the direct route. To do something like that doesn't mean that it would require a great deal other than a sense of cooperation, perhaps, that those counties and, basically, I think it would be Vanderburgh, Warrick, Gibson, Pike, Martin, Greene, Davies, and Monroe, could have their Commissioners, or representatives of their Commissions meet to establish some ground rules to try to deem it an economic development zone. That would fit with the Governor's Economic Development Plan. It would also help make the point of what that road could do. So, I'll leave that thought for you to consider. In the meantime, I would move that we sign the letter in agreement with the Mayor.

Commissioner Mosby: Do we have to write one, or just sign it?

President Fanello: No, we would have to draft one.

Commissioner Mourdock: Oh.

President Fanello: He's already actually written one.

Commissioner Mosby: I'll second the motion to draft a letter.

President Fanello: Okay. So ordered. If there's no other New Business, we'll move on to department head reports.

**County Engineer**

President Fanello: County Engineer.

John Stoll: First item I've got is in regard to the Mt. Pleasant Road Project. We've received counter offers on two parcels. On the first parcel, it was parcel number 25. The owner is Don Mc Camish, and he has requested a \$700 increase, from \$5,225 to \$5,925. It's requested that be approved. He will sign off on all the documents subject to that increased offer.

Commissioner Mosby: I'll make a motion to accept his offer.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: The second parcel is also owned by Don Mc Camish. It's parcel number 26. He is requesting an increase of \$1,000 from \$6,025 to \$7,025. Here again, it's requested that it be approved. He has agreed that he'll sign off on all the right-of-way, subject to that increase.

Commissioner Mosby: Make a motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Next I went through the quotes that we opened up this evening on Graff Road and on Schillinger Road, and on Graff Road I request that it be awarded to CCC of Evansville for the amount of \$19,971.99. I went through their bid, and all the paperwork was there, and all the math totaled up correctly on the itemized proposal.

Commissioner Mosby: Motion to accept CCC on Graff Road.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Also on Schillinger Road, it's also requested that CCC of Evansville be given that project. That's for the amount of \$17,394.64.

Commissioner Mosby: Motion to accept CCC's bid on Schillinger Road.

Commissioner Mourdock: Second, and, John, is that where the slope was failing? On Schillinger?

John Stoll: No, that's Sensmeier where the slope was failing.

Commissioner Mourdock: Oh, okay.

John Stoll: Next I have the right-of-way acquisition agreements with Bernardin Lochmueller and Associates for section three of Lynch Road. This would take care of the remainder of the right-of-way we need for the project from the interchange out to the county line. This agreement amount is for \$89,000, and it's requested this be approved.

Commissioner Mosby: Motion to accept.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: I did have Kevin review those agreements some time ago. There were some changes, but those were incorporated. The changes Kevin recommended were incorporated into the agreements.

President Fanello: While you're talking about Lynch Road, last Friday the Redevelopment Commission met, and Kevin is checking on the procedures for us to move forward in using the surplus funds for the construction. So, he should be able to get back with us in the next week or so about that. Then the Redevelopment Commission would meet right after the first of the year.

John Stoll: Next I've got a change order on Burkhardt Road. This is the final change order on the project, and it's for an increase of \$15,508. The reason for this change order is due to the fact that there was old concrete pavement on Old Boonville Highway that was covered up with asphalt. Since the job was bid according to INDOT specs, INDOT specs dictate that concrete pavement has a specific pay item. That's what caused the increase. So, it's requested this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: Last I would like to request that we hire Bernardin Lochmueller and Associates for the construction inspection on University Parkway. This needs to be done by consultant, because we don't have sufficient in-house staff to do the project. Since Bernardin Lochmueller designed it, they've got quite a bit of familiarity with the project.

Commissioner Mosby: Motion to accept Bernardin Lochmueller.

Commissioner Mourdock: Second.

President Fanello: So ordered.

John Stoll: That's all I have.

President Fanello: Alright. Thank you, Kevin, or, no, you're not Kevin, you're John.

<b>County Highway</b>
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President Fanello: County Highway.

Dennis Hudnall: Dennis Hudnall, County Highway. First of all I want to thank you all for coming out today. All the folks at the garage enjoyed talking to you. Look forward to seeing you again coming to the garage. I wish you a Merry Christmas.

President Fanello: Thank you, Dennis.

Commissioner Mosby: Thank you.

Dennis Hudnall: Besides that, I forgot my report on my desk. So, if you have any questions, I'll try to answer them.

Commissioner Mosby: I did have one on the second...no, I'm just kidding.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Have a Merry Christmas.

Commissioner Mourdock: I saw snowflakes out the window a few minutes ago. So, get ready. Really, I did.

<b>County Attorney</b>
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President Fanello: County Attorney.

Commissioner Mosby: It was trying to do something.

Kevin Winternheimer: Just briefly. The gentleman, who's name escapes me, from Mill Road Estates, came by and he dropped off a list of the property addresses, tax code numbers, and property owners, which will be extremely helpful. John, if we ever get a final rough estimate...you don't have to tell me now, but just call me sometime, and we can, I will see what the estimated legal fees will be. I wanted a base figure on the project size, before I went out and got some quotes.

John Stoll: I did speak to Larry Burton, no Larry Alton and Don Burton about the project, and got the same paperwork. I told them that it will be probably the middle of January before I could get a chance to get the plans reviewed—

Kevin Winternheimer: Okay.

John Stoll: —and be able to finalize the cost estimates and everything. So, they are aware of it.

Kevin Winternheimer: Okay. So, just keep me posted on that.

John Stoll: Will do.

Kevin Winternheimer: The only other matter I have is, I don't know if this was on the agenda last week or not, but it's a contract with Verizon that the Central Dispatch people sent over. It's, and forgive my ignorance on all this electronic stuff, but it's for four end office trunks to the Verizon 911 selective router, and selective router and data base services. It says based upon an access line count of 160 something. The billing has been apparently \$924.91 a month, and that has now dropped to \$219.39. I have no problem with the contract language. This is something, from what I gather, it facilitates 911 service on the cell phones.

President Fanello: For the cell phones.

Kevin Winternheimer: Recommend approval.

Commissioner Mosby: Since it's going down 700 bucks, I'll make a motion we approve.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Kevin Winterheimer: I have the document here for your signature. That's all I have.

President Fanello: Alright.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I have one late, actually it's not late, I just forgot to put it on the agenda, surplus, a couple of computers from the Election Office, that we need to add to the Consent. And, yes, you have some quit claim deeds to sign also.

President Fanello: Oh, thank you.

Tammy McKinney: Thanks, Madelyn.

President Fanello: On December 23<sup>rd</sup>.

Commissioner Mourdock: I'll move approval-

Tammy McKinney: That's better than the 30<sup>th</sup>.

Madelyn Grayson: I tried to avoid Rob, but he caught me.

President Fanello: You should have ran.

Commissioner Mourdock: I'll move approval of adding the couple of computers from the Election Office to the surplus file, and move that we add that to the Consent Items.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: Yes, Gary Hohman from Burdette Park. I know in Steve's absence, on his behalf, I would like to extend, I know Steve's best wishes to Mr. Mourdock on whatever future endeavors that he might pursue. I know it's been a pleasure for me for the five years that I've been affiliated with county government to work with you, and feel like that your wisdom and judgement will be deeply missed.

Commissioner Mourdock: Well, thank you, Gary.

Gary Hohman: Also, the last item on behalf of the staff and management at Burdette, we would like to wish everyone a safe and happy holidays.

President Fanello: Thank you, Gary.

Commissioner Mourdock: Thank you.

Commissioner Mosby: Thank you, Gary.

**SWCD Report**

Commissioner Mourdock: We have also in the file the Soil and Water Conservation District Report and I move we add that to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

Commissioner Mourdock: Dr. Alexandrovich was here, but she's apparently left, and I don't think we have a report for her.

President Fanello: Okay. I don't think we have one in the file.

**Consent Items**

President Fanello: Any questions on the Consent Items?

Commissioner Mourdock: With the one addition then, I would move approval of the Consents.

Commissioner Mosby: Second.

President Fanello: So ordered. Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 6:36 p.m.

**CONSENT ITEMS:**

**Travel Requests:** Health Department.

**Employment Changes:**

County Clerk

Auditor

Circuit Court

Superior Court

Recorder

Center Assessor

County Council

VCCC

**Requests for Service:** Probate Court.

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Treasurer:** Submit monthly report.

**Auditor:**

KRONOS Professional Service Hours for Upgrade in Sheriff Department.

**Co-Op Extension:**

2003 Contractual Service Agreement with Purdue Univeristy.

**Commissioners:**

Quit Claim Deeds from Commission Surplus Sale.

**Election Office:** Submit Surplus Computers.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winterheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Eric Williams	John Stoll
Dennis Hudnall	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

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**Richard E. Mourdock, Member**

**Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and Charlene Timmons.**

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 30, 2002**

The Vanderburgh County Board of Commissioners met in session this 30<sup>th</sup> day of December, 2002 at 5:30 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

**Call to Order**

President Fanello: Call to order Vanderburgh County Board of Commissioners meeting, December 30<sup>th</sup>.

**Introductions and Pledge of Allegiance**

President Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Mourdock; Chief Deputy Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

**Approval of December 23, 2002 Commission Minutes**

President Fanello: Do I have approval of the December 23<sup>rd</sup> minutes?

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Hearing on Preliminary Determination to Enter into a Lease  
with Building Authority for the Jail Project**

President Fanello: Discussion items, our first discussion item is our hearing on our preliminary determination to enter into the lease with the Building Authority for the Jail Project. So, I guess, I would ask is there anyone in the audience wishing to address the board on this subject? Does the board itself have any questions?

Commissioner Mourdock: I guess, I do have a question. Obviously, we started down the road of having a private Jail Authority—

President Fanello: Uh-huh.

Commissioner Mourdock: —and now we're kind of coming back to the point of beginning. I read through the things that Tom Pittman sent in about what he saw as the advantages to doing this, and I won't argue that he makes some valid points. But, I guess, I'm still, in my own mind, I like the autonomy of what we had set up, or what we were trying to set up. We certainly got some people to volunteer to serve on that board, and I kind of hate to go the other way on those folks. I guess, the other question, are you looking, if you use the Building Authority, to use them as we used them with the Centre project? In the sense that, at that time, we had Steve Utley there, who, in essence, worked for us as a construction manager. Are you

trying to use, or will you be using the new Building Authority, or the current Building Authority in some way like that? Is that part of the plan?

President Fanello: No, that's not our intent, since we've already contracted with Shireman and Associates to be the construction manager, and I think that's their expertise, and I don't think that is the expertise with, you know, the staff that we have right now in the Building Authority. I'm looking at the Building Authority being our financing mechanism only. If you read the form of the lease, that was in your packet, it basically gives us all of the control, and sets them up as the financing mechanism only. The reason I feel positive about it is the discussions I've had with John Stanley, who is the President of the Building Authority, and also with Dave Rector. I feel very comfortable with them, at this point. We're early enough in the process that if, you know, they still have to approve this as well.

Commissioner Mourdock: Sure.

President Fanello: So, we're still early enough in the process that it can be changed, but I feel comfortable moving in this direction after discussions with those individuals.

Commissioner Mourdock: Has there been any discussion with the people we talked about putting on the Jail Authority, as far as how they might otherwise be involved with this? Since, you know, they expressed that interest to serve.

President Fanello: I personally, I mean, I've had limited discussion with the person that I suggested, which was Mark Owen, and, obviously, you know, everybody has an interest in what we do, and making sure the project is a success. I think if there is any opportunity for their involvement, you know, I think that would be great if we could keep on using them for anything. I don't know what that would be at this point.

Commissioner Mourdock: Obviously, this wouldn't be for us to do, but, and I don't know if it would be possible to expand the number on the Building Authority to put those same people on, something along those lines would be one thought.

President Fanello: That's something—

Commissioner Mourdock: That goes beyond our capability to do that.

President Fanello: We could have Tom Pittman look into that. I'm not sure how the statute is set up for Building Authority. It may define how many members there are, you know, per the state statute. So, I'm not sure how that would work, but we could definitely ask him. Is there any other questions? Our next....

Commissioner Mosby: I was—

President Fanello: I'm sorry.

Commissioner Mosby: Oh, I was just going to make a motion.

**Submission of Preliminary Schematic Drawings for the Jail Project**

President Fanello: Well, I'm going to get to that in a second. What we have to do next is, United has delivered to us some preliminary drawings, and these are very,

very preliminary. They do intend to, hopefully, be done with schematics by mid-January, but for purposes of what we're doing tonight, they have provided us with preliminary drawings for submittal. If everyone is comfortable with that, I would like to move ahead and approve these preliminary drawings.

Commissioner Mourdock: I do have one question on the preliminaries. I noticed, and, oh good, Brad is here. In the, not the pods, but in the main structure, if you will, there are, if I counted correctly, 46 different cells labeled. Are those part of the 484?

Brad Ellsworth: Are you talking about medical and/or the—

Commissioner Mourdock: They aren't labeled, largely, there are a couple that are labeled padded cells.

Brad Ellsworth: That's the medical and intake and booking, and I don't believe those are considered in the general population of the, of the...the other four, let's see, there's 64 to each pod. I think that's extra, and don't normally count in the population of the jail.

Commissioner Mourdock: 64 per level on each pod, right? So, it would be—

Brad Ellsworth: For each housing unit, four housing units per "x".

Commissioner Mourdock: Okay, so it's 32 and 32.

Eric Williams: There's a pod, and there's a pod, and that's 256. A pod has four units, and each unit has, each floor has 32.

Commissioner Mourdock: Okay. Okay.

Eric Williams: By jail standards, you don't generally count your intake/booking beds and medical beds against your total (Inaudible), because those aren't housing beds. Those are transitional beds. So, those wouldn't be applied toward the 484.

Commissioner Mourdock: Okay. It just struck me as odd that 10%, effectively, I mean we have —

Brad Ellsworth: I mean, we have the—

Commissioner Mourdock: —10% as many cells just there for holding as what we have in the entire facility.

Brad Ellsworth: What that does is it keeps, you know, somebody who might be in there from anywhere from four hours, to 12 or two days, out of the secured population area.

Commissioner Mourdock: Uh-huh. I do understand that the way this was drawn up there could be more pods in the future that would drive that down in percentage.

Brad Ellsworth: Well, I guess, they didn't show the future expansion—

President Fanello: They did on—

Commissioner Mourdock: Yeah, they do on the schematic.

Brad Ellsworth: – it shoots off to the north and south with the extra pods.

Commissioner Mourdock: Yeah.

Brad Ellsworth: We've had a lot of countless meetings with Paul on this, and the basic design....I know these are very early drawings, but that basic design is going to work very efficiently we think. We've got some, some fine tuning to do, but we're very pleased with the work so far.

Commissioner Mourdock: Well, Catherine, as far as what you're doing here tonight, I'll go ahead and move that we add these schematic first drawings to the record, which, in essence, makes them available for anyone else to look at as well. So, I'll move that we enter them into the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Adoption of the Resolution Regarding A Preliminary Determination  
to Enter into a Lease with the Building Authority for Jail Project**

President Fanello: The next item we had in our packet that needed to be done tonight was the adoption of the resolution, which basically says that we have approved these preliminary drawings, and that we have held our public hearing tonight. If everyone has read the resolution, and is comfortable with that, I would like to have a motion on that one as well.

Commissioner Mosby: Motion to approve.

Commissioner Mourdock: I'm going to pass, simply for the sense, and I'm going to finish the sentence you were just in. It's facilitating the determination of signing the lease with the Building Authority, and I'll pass, because I would rather see us still do it through a separate Jail Authority.

President Fanello: And just to clarify that, this is preliminary only, and it is only in form. We are not executing a lease with the Building Authority tonight, and we are not approving any final lease. This is in form only. So, just basically to identify that we're looking to enter into this transaction. I guess, I'll have to second, and so ordered.

**Authorization of the Publication of the Hearing Relating to this Lease**

President Fanello: Next item that we need to do, and it is listed in the resolution, is to authorize the publication of the hearing relating to this lease. Basically, that is the notice that all of this has taken place, and will be sent to the Indiana Department of Local Government Finance, who is formally the State Board of Tax Commissioners.

Commissioner Mourdock: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Madelyn, Baker and Daniels will take care of that advertising.

**Update on the Status of the Jail Project**

President Fanello: Next item that is on our list is just an update on the status of the Jail Project, even beyond this. I believe that the Sheriff and Chief Deputy will be meeting with Paul Summers on Monday, that's preliminary, or tentatively set up, and you will be going over schematics. Like I said before, they are hoping to have us final schematics by mid-January. I think that does everything for the Jail Project tonight.

**Public Hearing for the Purpose of Considering the Lease of Office Space at the Airport: Drug Task Force**

President Fanello: The next item is a public hearing for the purpose of considering the lease of office space at the Evansville-Vanderburgh County Airport. I know the, oh, I'm sorry. Go ahead, Kevin.

Kevin Winternheimer: No, I was just turning on my mike. No, the Sheriff is here, and might be able to answer more detailed questions. This is leased property, along with the city out at the airport for City Police and Sheriff's Deputies. The city has approved this lease. It's a three year lease, in theory, commencing in January. I understand that may be moved back. I don't know when you're going to be ready to actually move in. The rental, the combined rental, I believe, is \$12,100 for both entities combined. Pursuant to statute we need to have a hearing to get any public comment. If there is any public, any persons out there in the audience that would like to comment on this proposed lease. Is there anyone who has any comments about this lease?

Commissioner Mourdock: Just a question. Is this at the sub-post?

Brad Ellsworth: No, it will actually be in the basement of the airport.

Commissioner Mourdock: Okay.

Brad Ellsworth: We don't have the room out there at the command post.

President Fanello: Just to clarify, and I think I read it in the newspaper, but, you're paying for it out of, is it grant funds or something?

Brad Ellsworth: We have grant money that actually goes into the Task Force through Prosecutor Levco's fees. Then out of seizure money and grant money.

Commissioner Mourdock: Is that money being reimbursed by the Police? The Evansville Police then?

Brad Ellsworth: The Prosecutor's office gets a certain percentage of everything the Sheriff's office and the City Police seize. It then goes into their funds, and we pay it out of the Task Force Funds. I'm not sure whether that comes out of the actual Federal Grant, or out of the seized dollars, but Stan controls that with the vote from Chief Gullledge and myself. We have to get together, it's a three way vote on any expenditures.

Commissioner Mourdock: Okay. I misread the recital on this. I'm sorry. It's the Vanderburgh County Drug Task Force that's actually doing, that's actually the lessee here. Yeah. Okay.

President Fanello: Just for the record, the city has already taken their necessary steps to approve the lease.

Brad Ellsworth: If there's any question about why we thought this was good to enter into, please ask, or, you know, if you need any historical background, I will be glad to supply you with that.

President Fanello: Does anybody have any questions?

Commissioner Mourdock: No.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Mourdock: Can we approve it tonight, since this is a hearing?

Kevin Winternheimer: Yeah.

Commissioner Mourdock: Do we have to have a second hearing?

Kevin Winternheimer: No. No. No.

Commissioner Mourdock: Okay.

Kevin Winternheimer: You can approve it.

Commissioner Mourdock: Okay, I'll second the motion then.

President Fanello: Thank you, Sheriff.

Brad Ellsworth: Thank you very much.

President Fanello: So ordered.

**Approval of Employee Assistance Program Agreement:  
Southwestern Indiana Mental Health Center**

President Fanello: Next item is approval of the Employee Assistance Program Agreement with Southwest Mental Health. Does anyone have any questions on that? I think it's just a standard form. Same one we used last year.

Commissioner Mourdock: It looks like it.

President Fanello: At the same fee too.

Commissioner Mourdock: I'll move approval of the EAP Program.

Commissioner Mosby: Second.

President Fanello: So ordered.

**Public Comment**

President Fanello: Is there anyone in the audience wishing to address the board tonight? Seeing none.

**Old Business**

President Fanello: Moving on to Old Business. I have one small piece of Old Business. I received a letter today from the Indiana Department of Corrections, and I'll read a small portion of the letter, it says;

"I am in receipt of your letter dated December 2, 2002 confirming the acceptance of the \$2,000,000 commitment made by the Department through a Community Corrections grant. I would like to clarify the following issues as I understand them; the \$2 million grant is a one time grant that will be utilized to build a residential facility that will serve both male and female Community Correction offenders exclusively, replacing the current Safe House facility."

It basically goes on to explain the rest of the things we have talked about before, but I just wanted to let everyone know that we did receive the letter back from the DOC confirming the \$2 million.

Commissioner Mourdock: Okay, that's one of those things that I'll move that that letter be entered into the record then.

Commissioner Mosby: Second.

President Fanello: So ordered. Is there any other you would like to...is there any other Old Business?

**New Business**

President Fanello: New Business? Department Head reports.

**County Engineer**

President Fanello: I don't believe John Stoll is here tonight. I don't think there was anything unusual in his report.

**County Highway**

President Fanello: County Highway.

Dennis Hudnall: Dennis Hudnall, County Highway. Good evening. On behalf of the, all the employees, and the folks that work at the County Highway, we want to wish Commissioner Mourdock well.

Commissioner Mourdock: Thank you.

Dennis Hudnall: Good luck in his future endeavors, and thanks for the help at the County Garage.

Commissioner Mourdock: Thank you.

Dennis Hudnall: As you know we have one gentleman that works out at the garage that has a terminal illness, John Garrett. Today we got another report for another guy that has a short period of time to live, and that's Larry Phillips. So, we want to pray for Larry. They give him a very short prognosis today. So, besides that, all I have is do you have any questions on my report?

President Fanello: I don't.

Dennis Hudnall: A lot of snow removal.

President Fanello: And a good job too.

Commissioner Mosby: I was going to say, and I know I came out to the garage the other day, but, once again, I just want to tell you I think you did a tremendous job. I've gotten a lot of compliments over the last three or four days. I extend that to the men again for giving up their Christmas Eve to help out.

Dennis Hudnall: We owe that to the employees of the County Garage. They are pretty dedicated people.

Commissioner Mourdock: Yeah, I will echo that. I did not get one single call, and usually snow removal will get the calls coming in, but I did not get one single call. So, that's good news.

Dennis Hudnall: That's great. Thank you all. Have a good night.

President Fanello: Thank you, Dennis.

**County Attorney**

President Fanello: County Attorney.

Kevin Winterheimer: I have no report tonight.

President Fanello: Okay.

**Superintendent of Buildings**

President Fanello: Superintendent.

Tammy McKinney: I don't have anything.

President Fanello: Okay.

**Burdette Park**

President Fanello: Burdette Park.

Gary Hohman: We have nothing other than our work report, which was presented to you earlier. If you have any questions regarding that report, I'll answer any questions that you might have.

Commissioner Mosby: How's our building coming?

Gary Hohman: All the steel is up except the (Inaudible).

Commissioner Mosby: Okay. I hadn't...I've been wanting to get out there and look at it, but I haven't had a chance.

Gary Hohman: There are four pieces that are short. They were scheduled, the Building Superintendent was scheduled to be in today at 8:00, and they did not arrive, but (Inaudible) steel (Inaudible) to form up the interior portion of the (Inaudible).

Commissioner Mosby: Okay. Thank you, Gary.

President Fanello: Thank you.

#### **SWCD & Ozone Officer Report**

Commissioner Mourdock: We have in the packets the Soil and Water Officers, or the Soil and Water Conservation District's reports, and the Ozone Officer's reports, and I would move that we add those to the record.

Commissioner Mosby: Second.

President Fanello: So ordered.

#### **Announcement of Voting Machine Demonstrations: January 13, 2003 @ 2:00 p.m. Room 307**

President Fanello: Before we move to Consent Items, I had one small thing I need to remind the board of. On January 13<sup>th</sup> at 2:00 in this room, the four approved vendors for election equipment in the state of Indiana will be here to have small demonstrations, and to answer any questions. Patty will be sending out a notice this week to all of the elected officials, and the Election Board to let them know that that has been set up.

#### **Consent Items**

Commissioner Mourdock: Anything to add to the Consents? Anything last minute, Tammy?

Commissioner Mosby: Make a motion to approve the Consent Items.

Commissioner Mourdock: Second.

President Fanello: So ordered.

Commissioner Mourdock: Before we adjourn, I will give you something by way of a, what may be a continuing tradition. When people want to ever talk to you about running for county government, or running for County Commission, and they think that it's a, you know, not that tough, and there's not much of a sacrifice. For about five years I've kept this on my wall, and you can see it's somewhat faded with color, but this is a ticket from a few years ago when the NCAA Final Four was being played in Indianapolis. That was a ticket for the final game, on the Monday night. I was with great excitement looking forward to going to that game, and just about the time I was leaving, I got a call, I don't recall whether it was Rick or Pat, but one of them could not make the meeting, and it was zoning night. The zonings were scheduled. So, this ticket with a note on it, and it's very faded, but it says;

“Richard, here's the proof that you would have been there with us, but for your County Commission meeting.”

And it's from one of the guys that I was going to go there with. So, pass that on, that's what being a Commissioner will, at times, cost you.

President Fanello: We'll post that in the office.

Commissioner Mourdock: We may have to write back over the note, just to make it legible. It's faded over the years.

Commissioner Mosby: Who won the game?

Commissioner Mourdock: I don't even recall who was playing. I tuned it out when I realized I wasn't going to get to be there.

President Fanello: Well, Richard, once again, we appreciate your involvement with us over this past two years, and we wish you well in your endeavors.

Commissioner Mourdock: Well, thank you. I appreciate that. Again, thank you all very much for everything last week. That was a great surprise, and truly appreciated. So, thank you. Thank you all. I wish all of you the best. Not many in the audience to hear this tonight, but I tell you what, anybody sitting on this side of this desk over the next several years is going to have a tougher and tougher and tougher time. It's true for the Council as well, because the funding just isn't what it used to be. I do not envy any of your jobs, but I wish you all well with them, because it's going to get tougher and tougher. With that, I will move, for the final time, that we adjourn the meeting.

Commissioner Mosby: Second.

President Fanello: So ordered.

The meeting was adjourned at 5:48 p.m.

**CONSENT ITEMS:**

**Travel Requests:** None.

**Employment Changes:**

Superior Court  
Prosecutor

Burdette Park

Auditor

**Sheriff:** Weekly Jail and Community Corrections Reports.

**Those in Attendance:**

Catherine Fanello	David W. Mosby	Richard E. Mourdock
Kevin Winternheimer	Bill Fluty	Tammy McKinney
Madelyn Grayson	Brad Ellsworth	Eric Williams
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Catherine Fanello, President**

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**David W. Mosby, Vice President**

**(Not in office when minutes approved.)**  
**Richard E. Mourdock, Member**

**Recorded and transcribed by Madelyn Grayson.**